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Legislative Assembly

Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Third Session of the 30th Parliament

Thursday, October 28, 1976

Afternoon Session

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

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CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. (Phone 965-2159)

LEGISLATURE OF ONTARIO

THURSDAY, OCTOBER 28, 1976

The House met at 2 p.m.

Prayers.

ONTARIO LEGISLATIVE INTERNS

Mr. Speaker: Just before entering into the proceedings of the House this afternoon, I would like to draw to the attention of the House the presence in the Speaker's gallery of the first group of Ontario legislative interns. This programme is operated by the Canadian Political Science Association in co-operation with this assembly. These seven recent university graduates have been working with members since late September and will continue with us until late June.

I know the experience gained by the interns will not only be of value to them, but by their increased knowledge of the parliamentary system the community will also benefit. I know all hon. members will wish to welcome them.

Statements by the ministry.

COURTS ADMINISTRATION

Hon. Mr. McMurtry: I have the privilege today of tabling in this assembly a white paper on courts administration which sets out the government's proposals for a reorganization of the administrative structure of the courts.

The problems of court administration have of course long been a concern of my ministry. In 1970 the then Attorney General referred the question of the existing court administration structures to the Ontario Law Reform Commission. In 1973 the commission set out its findings and recommendations in a report on administration of Ontario courts.

Following extensive discussions with those concerned with the administration of justice throughout the province, a model court administrative structure was established to test the feasibility of various court reform proposals. Following this, the central west region, a group of 10 counties and judicial districts clustering around Hamilton, was selected for the development project because it provides a microcosm of the entire province. Author-

ity for the project was given by this assembly when it enacted The Administration of Courts Project Act, 1975.

As stated in section 2 of the Act, the purpose of this legislation was to enable the establishment of a developmental project in the region for the central co-ordination of the administrative facilities and services of the courts in the region and for the better operation of the courts, subject to the traditional independence of judges respecting matters bearing directly on the adjudication of matters coming before them. In short, the project was designed to determine whether effective court reform could be achieved with the traditional division of authority. The Ministry of the Attorney General was to have control over strictly administrative matters and the judiciary was to control matters bearing on adjudication. The results of the project have been evaluated.

The central west project has effectively demonstrated that we need a new approach for courts administration. To clear the backlogs in various parts of the court system, we particularly require a new approach to the flow of cases through the courts. The case-load crisis facing the courts of this province now has the potential to seriously undermine the quality of justice in Ontario. There is also a broad consensus that this crisis can only effectively be met by significant court reforms which will include the application of new management techniques to the ever-increasing workload of the courts.

While justice can never be sacrificed for administrative efficiency, we can still do a great deal to improve the quality of justice by applying management techniques to the business of the courts. However, as has been indicated by the central west project, it has been shown that the present artificial division of the business of the courts simply cannot provide the basis for significant court reform. The courts are at present divided between purely administrative matters on the one hand and quasi-administrative, quasi-judicial matters on the other hand. Theoretically the purely administrative matters are managed by civil servants and the quasi-administrative, quasi-judicial matters, such as the times that a court sits, for example, or the way that

cases are adjourned or the way that trial dates are set, are decided by judges.

While perhaps laudable in theory, these distinctions have proven unsatisfactory in practice. Obviously neither effective caseload management nor true court reform can be based on such distinctions. In our view, the only way to achieve an effective, unified approach is to consolidate the administrative management of the courts, including the quasi-administrative, quasi-judicial matters, into a single structure. It is obvious that the unified management of all these matters cannot be consolidated in the hands of the Attorney General or any other minister of the Crown. Our entire court system is, of course, premised upon the principle of the independence of the judiciary. That principle includes the proposition that judges cannot take direction from the government with respect to any judicial matter that arises in relation to the trial of a case. While judges cannot take direction or guidance from the government in these matters, they can take direction and guidance from senior members of the judiciary itself. For that reason, it is our view that the only logical place to consolidate the management of the courts is in a body comprised of the senior members of the judiciary.

This white paper explains the need for a reorganization, sets out the details of the government's proposals for reorganization and concludes with a draft of legislation designed to implement these proposals.

The basic proposals are as follows:

The day-to-day administrative, financial and operational aspects of courts administration would be transferred from the Ministry of the Attorney General to an office of courts administration headed by a judicial council.

The judicial council would consist of the Chief Justice of Ontario as chairman; the Chief Justice of the High Court; the chief judge of the county court; a county court judge appointed by the Lieutenant Governor in Council; the chief judge of the provincial court, criminal division; and the chief judge of the provincial court, family division.

The judicial council would be given authority and responsibility for establishing and applying policy directives on all administrative matters, whether the actions required are those of court personnel or those of individual judges.

The office of courts administration would carry out the day-to-day administrative, financial and operational aspects of courts administration under a director of courts administration responsible to the judicial council.

The director of courts administration would be a public servant with the status of a deputy minister, appointed by the Lieutenant Governor in Council on the recommendation of the Attorney General and would be removed by the Lieutenant Governor in Council upon the recommendation of the judicial council.

The advisory committee on courts administration would be established to monitor the work of the office of courts administration and to initiate studies in relation to various aspects of courts administration and procedure.

The advisory committee on courts administration would consist of the chairman of the judicial council; the Deputy Attorney General; the Deputy Minister of Government Services; the treasurer of the Law Society of Upper Canada; the director of courts administration; and two lay members appointed by the Lieutenant Governor in Council.

The Lieutenant Governor in Council would retain the power to appoint judicial officers and those court officials who are presently appointed by the Lieutenant Governor in Council.

The government would retain overall authority and responsibility in relation to the administration of justice through its fiscal, legislative and other controls such as the standards of the Civil Service Commission.

This white paper is obviously a major and an essential step before legislation is introduced to implement a reorganization of courts administration and, in fact, I have included in the white paper draft legislation as a basis for concrete discussion. It is my hope to bring forward legislation implementing these proposals next spring.

However, before I do, I do look forward to the comments of the hon. members of this assembly, the judiciary and the public. It should also and obviously never be forgotten or overlooked that our courts belong to the public and that they exist solely to serve the public. It is essential, therefore, that the public examine with care these proposals for the future development of their courts, as the issues raised are so central to our fundamental liberties.

Mr. Lewis: That was a statement of cabinet calibre.

Mr. Roy: May I have a copy of that?

ENERGY CONSERVATION

Hon. Mr. Timbrell: Mr. Speaker, 18 months ago I announced to the House the

main elements of the government's energy management programme which was designed to complement the government's initiatives with respect to energy supply.

[2:15]

Today I should like to advise the House on the progress of this programme and to announce new energy conservation initiatives which broaden the scope of our activities. Members and the press have already received a detailed outline of our conservation policy with the attachments to which I will refer.

I will not dwell on the merits of conservation; they should be self-evident to the members of the House and the public at large. Suffice it to say, the reality of rising energy prices and potential insecurity of supply suggest that more thoughtful and economic ways to use energy and to manage our level of demand for this precious resource must be found.

At this time, the government feels that the marketplace or the price mechanism should continue to be the primary instrument for allocating supply and encouraging conservation. To complement the price mechanism, further incentives will be developed in the coming months to supplement the longer-term influences of the marketplace. In other words, demand will be determined by individual choice, including voluntary restraint. As a matter of policy, the government has determined that energy allocation or rationing can be avoided except in times of crisis. We reject the notion of deciding for people how much and what forms of energy they may use, except, as I said, in times of emergency.

If the price of energy must be high because it costs more to find, produce and market, then so be it. But governments should not impose artificially high prices beyond the needs of securing supply in the name of conservation.

As the members know, during the past 18 months the government has concentrated on many energy-saving projects through its energy management programme, primarily within its own ministries, and much has been accomplished. As an example, the Ministry of Industry and Tourism energy bus visited 252 firms throughout the province up to September of this year, and identified total potential savings of \$15.7 million, or an average of about \$62,000 per firm.

Mr. Moffatt: That used a lot of energy.

Mr. Nixon: How much gas did that use?

Hon. Mr. Timbrell: In addition, the Ministry of Colleges and Universities, through the colleges and universities in the province and through improvements in their space conditioning systems, saved \$4.2 million on their energy bill in 1975-76. Today I am tabling a summary of these successful projects.

But now the emphasis on energy conservation will be expanded into other areas, calling for the co-operation and the involvement of individuals, organizations and the private sector generally, and, of course, all levels of government in the province.

Mr. Nixon: Three years too late.

Hon. Mr. Timbrell: For example, discussions have been held with the principal energy suppliers in the province—electrical, petroleum and natural gas—with a view to their co-operating under a common energy conservation theme. I am pleased to say that all have agreed to a co-ordinated approach and the details are now being worked out.

To reflect more accurately the present emphasis being placed by the government in various aspects of energy policy-making, the Ministry of Energy has been reorganized. While a more complete description of the changes is attached, I should like to announce the establishment of an energy conservation group within the ministry office, and the appointment of Dr. Ian Rowe as its executive co-ordinator.

The government is undertaking a variety of specific initiatives, which are listed in the attachment to this statement, which the members have received. The initiatives involve the expenditure of \$2.7 million over and above the already allocated \$2 million in the energy management programme. For the information of members, the highlights are as follows:

First, renewable energy: We are embarking on an assessment and demonstration programme in renewable energy to demonstrate solar heating and cooling in publicly-owned residential and institutional buildings. A second aspect is to develop and demonstrate wind energy conversion to electricity for use in remote communities. A third aspect is to develop and demonstrate renewable energy applications for agriculture and recovery of energy from wastes.

In parallel with the programme, the necessary legal, fiscal and taxation measures to stimulate private sector investment in renewable energy resources will be investigated by the Ministries of Energy and Treasury, Economics and Intergovernmental Affairs.

Second, district heating: The Ministry of Energy will co-ordinate activities by several ministries in the promotion and development of district heating in Ontario; that is, the provision of residential, commercial and industrial requirements for heat from a central, highly efficient boiler.

The town of Elliot Lake is being funded by the province to study the economics and engineering feasibility of applying district heating to an addition to the present town-site.

The Ministry of Housing, over the next two years, will carry out detailed assessment of the economics and engineering requirements of district heating for the North Pickering and Townsend developments. I am tabling more details on this initiative, which is unique in North America.

Third, space conditioning of public buildings: The government will be expanding considerably its upgrading or retrofitting of provincially-owned buildings to improve energy efficiency. In addition, the government will now require: Each ministry to cut its energy consumption for space conditioning by 10 per cent from the base year of 1976-77 or, in a few cases, perhaps earlier for initiatives already under way; each ministry to develop energy audit programmes within its jurisdiction by April 1, 1977, and to develop detailed energy budgets which identify the consumption and costs of energy for each building on which public funds are spent.

The government is also asking all other provincially-funded agencies and institutions to take steps to meet the same target,

Fourth, residential/consumer awareness programme: The government, as members are aware, has proclaimed the week of October 31 to November 6 as Energy Conservation Week, during which a concerted effort will be made to heighten individual commitment to energy conservation. I must say that I am heartened to have received the enthusiastic support of shop owners, industry, service clubs, school groups and municipalities who are all largely providing their own resources and organizational talents to carry the conservation message to their neighbours and associates.

However, we also see the need to help people put their commitment into effect. Two initiatives, then, are designed to meet this purpose: An energy conservation information centre within the Ministry of Energy to answer specific requests for advice; and a residential energy audit programme based on the latest infrared imagery techniques to

identify building heat loss. This involves providing information to homeowners about probable savings through improving insulation, storm windows and doors.

Fifth, energy conservation within industry: The government will direct the Ministry of Industry and Tourism to identify the energy needs of Ontario's secondary industry on a sectoral basis and to encourage these industries to implement additional programmes to reduce their energy demand an average of 15 per cent below their projected demand by 1980.

Finally, municipal and federal commitment to energy conservation is also essential. After meeting with the Provincial-Municipal Liaison Committee and receiving a positive response, it is my hope that the municipalities will ensure that conservation is fully integrated into municipal practices. As well, I have written to my federal counterpart, the Minister of Energy, Mines and Resources, advising him of the province's initiatives and asking that the federal government emulate them for those activities which they carry on in the province of Ontario.

At the federal level, there are areas of responsibility where leadership has yet to be evidenced. This is particularly the case with regard to the long-promised federal subsidy for urban transit which has yet to be realized. There is, in addition, need for financing district heating projects which might largely offset new community demands for natural gas and light fuel oil.

Also, I have received deputation after deputation of concerned scientists and engineers who point to the steady erosion of this country's technological base due to the lack of research and development funding. This is an area where federal leadership is urgently needed. I have written to the Minister of Energy, Mines and Resources asking him to call a federal-provincial meeting—

An hon. member: You should write Dear Abby, too.

Hon. Mr. Timbrell: —to discuss a comprehensive approach to energy research and to seek clarification of the federal government's programme as outlined in the recent Throne Speech in Ottawa.

In addition, there is the long-heralded but yet unseen Cantag programme which involves the publishing of energy efficient standards for appliances. I have spoken to the federal government to avail itself of the expertise within the Canadian Standards Association, ably advised by the technical staff of On-

tario Hydro, to bring in appliance performance standards in the national interest.

Mr. Speaker: the policy framework I have just outlined clearly states the government's commitment to energy conservation. Many of these policy initiatives will take some time to fully implement. The important point is that, either in its role as a leader or as a consumer, the government is setting an example, establishing a tone and providing incentives to conserve energy. That is the objective of the policy framework which I've just announced.

It is essential to appreciate that conservation is not a panacea for all our energy needs. A balance between supply and demand must be struck. With rational and wise use of our energy resources and prudent energy supply policies, the residents of this province need not ever live in an energy deficient society.

However, in terms of energy conservation, the onus is on each one of us individually for it is individual decision-making which, in aggregate, determines total demand. It is individual decision-making that makes the best energy conservation policy.

Ms. Gigantes: On a point of information, Mr. Speaker: I am still a novice member of this House. I wonder if you could tell me how many times the Minister of Energy is permitted to give the same speech in this House?

Mr. Breithaupt: He has to give it until he gets it right.

Mr. Lewis: That's true, but that doesn't permit him to—

Interjections.

Mr. Speaker: Order, please. Does the hon. minister have a brief response?

Hon. Mr. Timbrell: Speaking to the point of order, I think perhaps the hon. member would be well advised to look at what she feels I have said before and read today's statement. As usual, she is mistaken.

Interjections.

Mr. Speaker: Order, please. The hon. minister had a chance to respond to that. May I just point out—

Interjections.

Mr. Speaker: Order, please. The statement, as I understood it, was an updating of a report.

Mr. Lewis: The minister was out of order; he has no right to reply.

Mr. Speaker: Order, please. There are many people out of order right now.

Any further statements by the ministry?
The hon. Minister of Health.

Hon. F. S. Miller: He's being provocative, Mr. Speaker.

Mr. Speaker: Can we get down to the business, please?

Hon. F. S. Miller: A week ago a local radio station claimed I wouldn't wear what my wife got me. Well, I'm wearing it.

Interjections.

Mr. Speaker: I don't know whether that's part of the statement or not. Could we get on with the real statement, please?

Mr. Lewis: You never promised us a rose garden.

Hon. F. S. Miller: No, but you are amongst the thorns.

Some hon. members: Oh, oh!

FRENCH-LANGUAGE HEALTH SERVICES

Hon. F. S. Miller: Mr. Speaker, later today I shall be tabling the report of the French Language Health Services Task Force, 1976, entitled "Pas de problème?—No. Problem?"

Mr. Lewis: What is that?

Hon. F. S. Miller: "Pas de problème?" What I haven't mentioned is that there's a question mark at the end of it.

The terms of reference for the task force were: To study the effects of language on the quality of health services provided to French-speaking citizens in the province of Ontario; to identify where health services are not readily available or accessible due to language difficulties; and to recommend courses of action to improve the availability and accessibility of health services by overcoming language difficulties.

The report, which is detailed and contains recommendations concerning specific areas and regions of the province, will receive careful study by the Ministry of Health, and the implications of the recommendations will require consultations with various health agencies and district health councils.

I should like to thank Dr. Jacques Dubois of Welland, the chairman of the task force, and his fellow members: Dr. Jérôme Corbeil of Rockland, Sister Albina Gagnon of Timmins, Sister Gilberte Paquette of Ottawa, Dr. Jean-Marie Rochefort of North Bay, Miss Laura Sabourin of Cornwall, and Mr. Onésime Tremblay of Sudbury. Dr. Marc Colonier of Ottawa was an original member of the task force but resigned for personal reasons in January 1976.

CURRENT SALARY NEGOTIATIONS

Hon. Mr. Auld: Mr. Speaker, hon. members will recall that salary negotiations in the public service were seriously delayed last fall by the introduction of income and price controls and by the subsequent decision by the union to refer disputes in all eight bargaining categories to eight separate boards of arbitration. Therefore, I am particularly pleased to report to the House encouraging progress in the negotiations that are currently under way.

The parties have reached tentative agreement on salary increases, within the guidelines, for the scientific and professional category and the administrative services category, two of the three contracts having an effective date of October 1, 1976. Negotiations on the third October category, and the five which expire on December 31, are also under way and progressing satisfactorily.

If the success in reaching agreement on these two contracts can be taken as an indication that the union is prepared to settle all contracts within the guidelines, salary increases for the remaining six categories should be resolved in a matter of weeks. If and as the settlements are ratified by the members the costing will be submitted promptly to the Anti-Inflation Board for their consideration. In view of the fact that our method of calculating the permissible increases under the guidelines was accepted by the AIB last time around, there is every reason to expect that the settlements will be approved.

[2:30]

AUTOMOBILE INSURANCE

Hon. Mr. Handleman: Mr. Speaker, later today I will be introducing amendments to The Insurance Act and The Motor Vehicle Accident Claims Act.

The amendments will revise and update the mandatory limits for third party liability policies under The Insurance Act and pro-

vide for a corresponding increase in the maximum amount payable out of the motor vehicle accident claims fund.

Last spring I told the House that I would be examining the maximum and minimum limits which have been in effect since 1969. The select committee on company law has not yet made its report on automobile insurance so, as an interim measure and as a step in what I hope will be the direction to be recommended by the committee, I am introducing these amendments.

Currently the minimum amount of third party liability insurance coverage which is required by section 218 of The Insurance Act is \$50,000. Under The Claims Act, the highest award any innocent victim of an uninsured or unidentified driver can expect from the motor vehicle accident claims fund is \$50,000. However, hospital expenses, motor vehicle repair costs and general damage awards have been increasing and this has been reflected in an increase in the amounts awarded to accident victims by the courts.

As an example, the motor vehicle accident claims fund has experienced almost a 25 per cent increase in the amount of payments made in the last fiscal year.

In order to keep pace with economic conditions, we are raising the maximum amount that can be awarded from the motor vehicle accident claims fund from \$50,000 to \$100,000 effective January 1, 1977.

Simultaneously, the amendment to The Insurance Act will require that automobile insurance policies must provide at least \$100,000 insurance against liability resulting from bodily injury to or death of one or more persons and loss of or damage to property in a single accident. This new figure will also become effective on January 1, 1977.

Mr. Deans: Why don't you review the rates while you are at it? Why don't you do something useful?

REED PAPER

Hon. Mr. Davis: Mr. Speaker, the government has suggested that there be an opportunity this evening for a debate on the measure we have taken to protect the public interests in any development of a plan for an economically viable integrated forestry complex in northwestern Ontario.

Mr. Nixon: That's one way to look at it.

Mr. Reid: Some protection!

Mr. S. Smith: They were doing fine when you weren't protecting it.

Mr. Speaker: Order, please.

Hon. Mr. Davis: The province of Ontario has had discussions with Reed Paper, which has indicated an interest in developing such a complex. I wanted to define some of these further, in what I had thought might be an opportunity to discuss these matters this evening, but I gather those discussions might not take place. In this statement I am not here to defend Reed Paper. I am here to make it very clear—and I want it understood by the members opposite—

Mr. Lewis: Shame. Is this a ministerial statement?

Hon. Mr. Davis: Yes, it is a ministerial statement.

Mr. Lewis: Is this on Reed Paper?

Mr. Cassidy: It sounds like you are backpeddling.

Mr. Speaker: Order, please. The Premier has the floor.

Hon. Mr. Davis: I want to make clear the investment which we have made and exacted to ensure the protection of the public interest through a memorandum of understanding signed on Tuesday. The government's sole interest in that memorandum of understanding is that of ensuring that no development or undertaking is commenced by Reed Paper or anyone else in northwestern Ontario until there is clear and publicly audited evidence that every possible segment—and there are several segments—of the public interest is being protected.

The questions of native rights, economic development, environmental protection, forest renewals, all rank within the context of the public interest we are seeking to protect. You people opposite forget about one or two.

Mr. Lewis: You don't need any agreement to do that.

Hon. Mr. Davis: The memorandum of understanding—and I want this understood by the members and by the public—is precise. Paragraph 5, section (b), and I am sure all members have read it, is absolutely clear.

Mr. Lewis: The minister has read it; he read it to the House.

Hon. Mr. Davis: There will be no licence granted unless all the conditions listed in paragraphs two and four are met absolutely

to the satisfaction of this government. Those two paragraphs specify clearly—

Mr. S. Smith: You're easily satisfied.

Mr. Reid: That's what bothers us.

Hon. Mr. Davis: Mr. Speaker, I don't want to be provocative—

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Davis: —but I do take exception to what the Leader of the Opposition has been, deliberately or otherwise, stating to the public of this province that the arrangement with Reed is a fait accompli and the licence has been automatically issued.

Mr. Lewis: That's right.

Hon. Mr. Davis: That is not a fact. It is not the truth and the Leader of the Opposition knows it.

Hon. Mr. Bernier: You are going to lose on this one.

Mr. Speaker: Order, please. There's a point of privilege.

Mr. Lewis: I have said—Mr. Speaker, this isn't a ministerial statement. The Premier is trying to defend a position which the Ministry of Natural Resources has handled badly in public.

Hon. Mr. Bernier: No development, no jobs.

Mr. Lewis: I want to rise on a point of personal privilege. I have said, and I make no apology for it, that I believe and we believe that signing of the memorandum involves a fait accompli and irresistible granting of the licence to Reed two or three years hence. We believe that.

Hon. Mr. Bernier: Misleading.

Hon. Mr. Davis: All right, Mr. Speaker—

Interjections.

Hon. Mr. McKeough: Nonsense.

Hon. Mr. Davis: Mr. Speaker, the Leader of the Opposition can believe what he wants to believe. And if he doesn't want to believe what is the truth, that is his decision.

Mr. Lewis: That's not misleading—I am telling you I think it is a mistake to have done it.

Hon. Mr. Davis: What you are saying is untrue, it is as simple as that.

Mr. Speaker: Order, please, The hon. Premier has the floor. The hon. member rose on his—

Mr. Lewis: I don't believe it.

Hon. Mr. Bernier: You are pushing.

Mr. Lewis: On a point of privilege.

Mr. Speaker: Order, please. A further point of privilege.

Mr. Lewis: The Premier has said that what I have said is untrue. I'm not asking him to withdraw it. On a point of privilege, I'm asking him only to recognize that what he considers truth and what we consider truth varies and we think he is wrong and the whole proposal is wrong. He should respect that position.

Hon. Mr. Bernier: You will regret the day, fellows.

Hon. Mr. Davis: Mr. Speaker, I am quite prepared as a matter of order—

Mr. Warner: Resign.

Hon. Mr. Davis: I am quite prepared to accept the Leader of the Opposition saying the judgement of the government is wrong.

Mr. Lewis: That's exactly what I said.

Hon. Mr. Davis: But I do not accept that he can say to the public of this province that the agreement with Reed for the development of this project in northwestern Ontario is a fait accompli. I say that is absolutely untrue. It is untrue.

Mr. Lewis: You are not going to rescue it now.

Interjections.

Mr. Speaker: Order, please, The hon. Premier will continue.

Hon. Mr. Davis: Well, I just tell you—

Mr. Reid: How about a public inquiry?

Mr. Lewis: Have a public inquiry.

Mr. Speaker: Order, please.

Hon. Mr. Bernier: The north is listening.

Mr. Speaker: Order, please.

Mr. Cassidy: You have sure shifted this about in two days; two days it took for this change in position.

Hon. Mr. Davis: We're not changing anything.

Mr. Speaker: Order, please. We will continue with the order of business. The hon. Premier has the floor.

Hon. Mr. Bernier: Pat, you have to get re-elected in the north.

Hon. Mr. Davis: Mr. Speaker, those two paragraphs specify clearly that the company must participate in environmental assessment hearings established by the Ministry of the Environment under the Act which was enthusiastically supported by the members opposite. Some days the Leader of the Opposition almost appears to be taking credit for it. The government retains the prerogative to specify the scope of those hearings should there be any concern that the scope is not broad enough.

I would point out to the Leader of the Opposition if he would read the Act carefully—

Mr. Lewis: I have.

Hon. Mr. Davis: —he will find the provisions of the Act go beyond what any creative person can do in terms—

Mr. Lewis: Except it won't work in this case because of the native people.

Mr. Speaker: Order, please.

Hon. Mr. Davis: You have no faith in the legislation you people supported.

Interjections.

Hon. Mr. Davis: They also specify that Reed must make available to the government its own environmental impact study. This will be made public upon receipt by the government. As we have no capacity to attest to the accuracy of those studies the hearings will be held. They will be held in public so that a more objective and balanced fashion for determining a fair assessment can be achieved.

Mr. Cassidy: They did and you sent it back.

Mr. Lewis: You signed the agreement—why did you need an agreement?

Hon. Mr. Davis: Well, why do you think?

Mr. Speaker: Order, please, the Leader of the Opposition—

Mr. Lewis: Who is going to speak for the company?

Hon. Mr. Davis: Paragraph four, Mr. Speaker, specifies clearly that the company must apply a forest management plan which meets with the approval of the government. That is an obligation. We intend to ensure that the question of renewing forest resources is adequately treated, or else my government will simply not proceed.

Mr. Renwick: Is this in the debate tonight?

Hon. Mr. Davis: I understand there may not be any debate tonight.

Mr. Speaker: Order.

Hon. Mr. Davis: The criteria to which those plans must conform are also spelled out:—

Mr. Lewis: This is a real abuse.

Hon. Mr. Davis:—Optimum utilization of the forest resources, the increase of the growth potential, improving the standard of forest protection, conformity with the government's development plans for the area, the enhancement of recreational potential and the protection of wildlife and fish resources, and the improvement of employment opportunities of local inhabitants with particular emphasis on economic and social aspirations of the native population in that region.

Mr. Cassidy: Why don't you make this statement in the estimates committee?

Hon. Mr. Davis: I would say, and I am a pretty tolerant soul, to the member for Ottawa Centre if he is that disinterested in this situation, so be it.

Mr. Norton: He doesn't want to hear the truth.

Hon. Mr. Davis: But the government takes this seriously. We believe it is the right route to go and we are going to proceed. If he doesn't want to learn anything about it, he doesn't have to sit and listen to it.

Mr. Cassidy: That is why the Leader of the Opposition was in the estimates committee this week.

Mr. Speaker: Order.

Hon. Mr. Davis: If that plan is approved, then as part of the long evaluation process the plan will be made public. If it is not approved, the company will not get a licence. It is as simple as that.

Mr. Lewis: The company has the licence under the agreement.

Mr. Speaker: Order, please.

Hon. Mr. Davis: I would say to the Leader of the Opposition that is an untrue statement. They do not have the licence under the memorandum of understanding.

Mr. Lewis: Sure they do.

Hon. Mr. Bernier: That is the tombstone of the north.

Hon. Mr. Davis: I will try to explain this to the Leader of the Opposition. Memorandums of understanding are an indication that two parties have reached some common ground on how the process is to proceed. The rules are those by which this government will decide whether Reed's programme for the area, the broad environmental concerns and the economic and native right interests, can be meshed into an acceptable economic framework which will assist the economic development of the north.

I guess it would be politically easier to simply not try to bridge those interests, and the broad interests of northwestern Ontario. The Leader of the Opposition's colleague, the member for Lake Nipigon (Mr. Stokes) would not support that point of view, because he has had some experience and he knows how these things are done.

Mr. Foulds: We certainly don't support your point of view.

Hon. Mr. Davis: It would, however, be a surrender, initiated here at Queen's Park, of the economic rights of the people of northwestern Ontario to equality of opportunity.

Mr. Lewis: You haven't even consulted them.

Hon. Mr. Davis: And that surrender would be cheap, unseemly and a dereliction of the public responsibility of the government. I know politics but I am disappointed that the Leader of the Opposition would lead that surrender when our northern citizens deserve so much better from all members of this House.

Mr. Lewis: You have surrendered the entire resource base of northern Ontario. You have surrendered the resources.

Hon. Mr. Davis: Let me finish my statement.

Mr. Speaker: Order, please. I point out to the hon. Leader of the Opposition that this is not a debating time; would he please retain his seat. The hon. Premier will continue.

Hon. Mr. Davis: Certainly, I haven't finished yet.

Mr. Lewis: I'm sure you haven't.

Hon. Mr. Davis: Mr. Speaker, I don't want to get into a debate at this point. I hope I have made my point.

Mr. Lewis: You are surrendering the resources to Reed.

Hon. Mr. Davis: Mr. Speaker, I don't want to once again say that what the Leader of the Opposition is saying is untrue, but I will say so; it is untrue.

Mr. Lewis: You have already done it, as a matter of fact.

Hon. Mr. Davis: It is untrue, it is not accurate, it is not factually correct; whatever terminology you may wish to use.

Mr. Lewis: You are wrong. Saying it doesn't make it so.

Hon. Mr. Davis: I am also interested in the perception and the recognition of the interest this has for the people, not only in the north-west but elsewhere, that in the direction of the hearings and the functioning of the Environmental Review Board that there is not only objectivity of fact but in appearance as well. The government will, by order in council, by adding to the membership of the Environmental Review Board a further individual or individuals who have had no relationship or experience within government, who will bring to this particular responsibility a degree of objectivity, and hopefully with some judicial background, that I think Mr. Speaker, will have a beneficial effect on the review—

[2:45]

Mr. Lewis: Now that is beginning to look like it. Now the minister is understanding. Was that the whole preamble?

Mr. Speaker: Order, please.

Hon. Mr. Davis: —throughout this programme, as a member of the Environmental Review Board.

Mr. Lewis: Now, on a point of information, which you've allowed once already this afternoon, Mr. Speaker—

Mr. Speaker: Not really, no.

Mr. Breithaupt: There is no such animal.

Mr. Lewis: —that entire—

Mr. Speaker: Order, please. The opportunity for information is in the question period if we ever get to that. Now, a point of order?

POINT OF ORDER

Mr. Deans: On a point of order, the Premier indicated that he had wanted to have a debate this evening on this very matter and I want to make it clear to you, Mr. Speaker, that we were quite prepared to have that debate subject to only sorting out some ground rules under which the debate would take place.

Interjections.

Mr. Speaker: Order, please. The Treasurer has the floor.

DUNDAS PUC INQUIRY

Hon. Mr. McKeough: Mr. Speaker, you will recall that when I answered a question from the hon. member for Wentworth (Mr. Deans) on Tuesday regarding the Dundas PUC I indicated that my colleague the Minister of Energy (Mr. Timbrell) would be dealing with this issue. That is true. However, my ministry has a responsibility under The Municipal Act for boards and commissions. My staff, as an ongoing process, monitors all such matters that come to our attention and reports to me as necessary. I understand—and this is confirmed in a separate story in Tuesday's Hamilton Spectator—that a police investigation is taking place. My staff will be following the situation very closely and in due course will be reporting to me. Whatever action will be appropriate will be taken at that time, after consultation with the Minister of Energy.

Mr. Speaker: I recognize the member for Wilson Heights.

POINT OF PRIVILEGE

Mr. Singer: Mr. Speaker, I rise on a point of personal privilege. On Tuesday last, the hon. Attorney General said this, as quoted in the Hansard transcript and I read from it.

I think the hon. member opposite [and he was referring to me] labours under an almost total misunderstanding of how the system works. [We were talking about one Bluestein and what happened to him as a result of certain legal proceedings.]

First of all, Mr. Speaker, the individual is not in prison. He is not an accused person. He has not been found guilty of a criminal offence. Under the law of this land he has not been found guilty and is regarded as a mental patient.

I thought, sir, it should be of some significance that I indicate to you and to the House that I do have somewhat of an understanding of what I was saying and not a total misunderstanding of how the system works, and I thought, sir, I should draw to your attention, and perhaps to the attention of the Attorney General as well, the specific provisions of certain sections of the Criminal Code, which prove once again that the Attorney General was quite wrong in what he said.

Mr. Nixon: Not again! At least he is batting 1,000.

Mr. Reid: The minister is consistent. He's never right.

Mr. Singer: Section 542 (2) states: "Where the accused is found to have been insane . . ." and that is the kind of finding that was made in this particular case; and surely, Mr. Speaker, if the people who enacted the Criminal Code can use that phraseology I may be so entitled as well, and perhaps everyone is not wrong and the Attorney General right.

Then, sir, could I take you to section 545 of the Criminal Code, which says: "Where an accused pursuant to this part is found to be insane. . ." the second reference setting out exactly the same thing. That section goes on to say: "In which he is detained. . ." the word "detained" is the equivalent, surely, to imprisonment and certainly he is not regarded as a patient. Then it says the Lieutenant Governor may act in accordance with certain things, and section 547 states: "Where a person has been held in custody under the provisions of this part then the committee of review can be appointed."

So on all counts, Mr. Speaker, in all his little peroration the hon. the Attorney General was quite wrong and I would say indicates an almost total misunderstanding of how the system works.

Mr. Nixon: He was referring to the Tory old boy system.

Mr. Roy: You get full marks for consistency.

Hon. Mr. McMurtry: On a point of order, Mr. Speaker, or on a point of personal—

Mr. Speaker: You're responding to a point of personal privilege, I presume.

Hon. Mr. McMurtry: —privilege, I respond to the remarks of my friend opposite and the statement made by him, which I will repeat I still object to, and as far as I'm concerned it still indicates a total misunderstanding of the process. I will quote the hon. member's statement on Tuesday last, where he stated as follows—and I am quoting from the Hansard transcript:

Does he not think that the whole procedure demands a review and an enforced consultation of the law enforcement authorities, at least for their opinion, and, certainly as with other matters concerning the imprisonment of citizens, that the matters be done in public and the public be allowed to become aware of what has happened?

Mr. Singer: Yes, "custody" and "imprisonment." Tell us the difference between those two words.

Hon. Mr. McMurtry: Now if the hon. member is still labouring under the delusion that people who have not been found—

Mr. Lewis: Which delusion?

Hon. Mr. McMurtry: That's a difficult question for me to answer.

Mr. Reid: They are all difficult for you to answer.

Hon. Mr. McMurtry: If he is labouring under the delusion that people who have been found not guilty by reason of insanity and who are, in fact, regarded by the law of this country as mental patients, that their rights and matters relating to their conduct should be determined as matters governing people who are in prison, then I state, as he said—

Mr. Singer: I only quoted the words of the Code. You're better on hockey players than you are on this one.

Hon. Mr. McMurtry: —then I state that the hon. member still has demonstrated a total misunderstanding of the process.

Mr. Roy: As an objective observer, I think you are wrong.

Mr. Speaker: I hope that clarifies that.

Mr. Singer: Do you want a copy of the Code so you can read it?

Hon. Mr. McKeough: Go back to law school!

Mr. Singer: Thank you, Darcy.

Mr. Speaker: Order, please. The hon. member for Wilson Heights raised a point of privilege that he objected to certain statements. I think it's been clarified and the matter should rest there.

Mr. Roy: Don't take this to court; you don't have a chance.

Mr. Singer: No wonder the Attorney General lost in Ottawa.

Mr. Speaker: Oral questions.

REED PAPER

Mr. Lewis: A question, if I may, of the Premier: Could the Premier read just that last paragraph or last sentence of his statement, which I'm not sure I heard?

Hon. Mr. Davis: Mr. Speaker, in that I ad-libbed a great deal of the statement, I am quite prepared to try to recall what exactly it was that I said.

I believe that I said, so that there would be total objectivity, because this hearing is the first we have had with respect to the private sector in terms of the new Act and the functioning of the review board, the government will be appointing, for the purpose of this one hearing only, an additional member—or perhaps members, but certainly a member—who will be the chairman for this particular hearing, who it is hoped will bring to this responsibility some background, perhaps in law or matters that could be helpful in the discharge of this responsibility.

Mr. Reid: You have no faith in the present system.

Hon. Mr. Davis: I point out that this person will be a member of the Environmental Review Board for the purposes of this responsibility and will be functioning within the terms of the Act, which, I say with respect to the Leader of the Opposition, go far beyond the Berger commission that he has referred to, or what have you, in terms of the responsibilities of the Act, and go far beyond that which might even be contemplated at a royal commission.

Mr. Lewis: Let me ask, by way of supplementary then, since the Treaty No. 9 association is holding a press conference tomorrow morning, there again undoubtedly to express their opposition, as they have already done, to the hearing process as it has been established because of the synonymous nature of

Reed and mercury in their minds, is it possible for the Premier to suggest to them in advance that there is a qualitative difference in the nature of the board as intended, and as he had modified it this afternoon, of a kind which might win their confidence and maybe even their participation, rather than their opposition throughout?

Hon. Mr. Davis: I fully intend to acquaint the leadership of Treaty No. 9 with this decision by the government. It is my hope, and I hope it's something that's realized, that the native people in that part of the province will recognize that this government is concerned about their interests and about their points of view, and that they can be encouraged to participate in a process that I think has great significance for them. Certainly I will be communicating these thoughts to the Treaty No. 9 people.

Mr. Singer: A supplementary: I wonder if the Premier could clarify something he said in his statement. As I listened to him, I thought he said that provision 5(b) allowed a discretion to the government to issue a licence. Now, I have 5(b) here in front of me and it doesn't read that way to me. It seems that if section 2 and section 4 have been complied with, and the test of compliances is an objective one not a subjective one, the licence must automatically issue.

Perhaps I misinterpreted what the Premier said. If so, I would like him to clarify it.

Hon. Mr. Davis: Mr. Speaker, I can only say to the member for Wilson Heights there is nothing in the memorandum of understanding that in any way indicates the licence will automatically issue. I just tell you that very simply.

Mr. Singer: By way of further supplementary, in order to let me understand it at least—

Mr. Speaker: All right; we'll allow the member for Wilson Heights to complete the other part of his supplementary.

Mr. Singer: Does 5(b) not say if 2 and 4 have been complied with, the licence will issue?

Hon. Mr. Davis: Mr. Speaker, one has to read the total memorandum of understanding; one has to have some knowledge of the intent of the government and the parties. I just say very simply—

Mr. Reid: Yes, that's what we were afraid of.

Interjections.

Hon. Mr. Davis: That's fine.

Mr. Speaker: Order, please.

Mr. S. Smith: What is your intent?

Interjections.

Hon. Mr. Davis: There is no automatic issuance of licence. I don't want to bring up another issue but it may come as a bit of a surprise to the member for Wilson Heights that the total control is in the hands of the government. We haven't even discussed with them the question of stumpage dues. We have total control of this situation.

Mr. Speaker: The hon. Leader of the Opposition.

Mr. Lewis: I want to come back to a question, a supplementary I asked before, and elaborate on it slightly for the Premier. Would he consider the hearing makes any sense, would it be even worth proceeding with, if the people of Treaty No. 9 said they would oppose, resist, fight and refuse to participate in the whole Reed-government transaction? Does the Premier think it makes any sense to proceed under those circumstances? Therefore, isn't it possible in some way to convey what he has interpreted this afternoon as an impartial kind of inquiry so as to enlist their support?

Hon. Mr. Davis: Mr. Speaker, I thought that I had already said to the Leader of the Opposition that I intend to convey this to the members of Treaty No. 9. It is my hope, because I think it's important, that they will participate in this environmental review under the Act in a way which is constructive, because it does serve their interests. I guess I always remain an optimist that they will see the wisdom of participating.

Mr. Reid: In view of the Premier's recent conversion to this approach, has he someone in mind to act as impartial chairman, and will he ask Treaty No. 9 and others interested for their input as to who the chairman of the commission should be?

Hon. Mr. Davis: Mr. Speaker, with great respect to the hon. member for Rainy River—I know we love to play politics here and I guess I do it from time to time myself—I would point out to him—

Mr. Reid: Not always successfully, I might add.

An hon. member: But you are successful.

Hon. Mr. Davis: I have been converted to some things, as he has been to his own misfortune. I would have to say that what we are doing here does not represent a recent conversion. With great respect, it does not represent—

Mr. Reid: We have just heard this. This is a new wrinkle.

Mr. Speaker: Order.

Hon. Mr. Davis: If the member for Rainy River and his colleagues had been prepared to debate this tonight, like the rest of us, we might have been able to get into some of these things this evening. Now, what was the question?

Mr. Breithaupt: There was nothing to be gained tonight and you know it.

Mr. Reid: Mr. Speaker, on a point of order—

Mr. Breithaupt: Nothing to be gained at all.

Mr. Reid: I put it to you that the Premier has misled the House—

Mr. Speaker: Order, please.

Mr. Reid: —because there was nothing in the minister's statement that indicated there would be an impartial inquiry by the Environmental Assessment Board.

Mr. Speaker: Order, please. The hon. member for Rainy River will withdraw that statement about anyone misleading the House.

Mr. Reid: Well, he has, Mr. Speaker. He indicated that—

Interjections.

Mr. Breithaupt: You said he was a liar.

Mr. Speaker: Order, please. If the hon. member wishes to remain in the House he will withdraw that statement. It's very clear in our rules that you will not accuse a person of such behaviour. It's quite clear.

Mr. Nixon: Point of order, Mr. Speaker. Surely there is accusation—

Mr. Speaker: Order, please. The Speaker is not ruling on—order, please.

Mr. Nixon: Why waste the time of the House on distinctions?

Mr. Speaker: The Speaker has the floor. The Speaker is not ruling on what truth there

is in it one way or the other. I say that statement—

Mr. Nixon: I am not asking you to.

Hon. W. Newman: You are just asking—

Mr. Speaker: Order, please. I say that statement will not be made and I ask the hon. member for Rainy River—

Mr. Lewis: Why?

Mr. Speaker: —to withdraw the charge.

Mr. Lewis: On a point of personal privilege, Mr. Speaker.

Mr. Speaker: We haven't finished with this yet. Order, please. Will the hon. members please sit down? Order, please.

The hon. member for Rainy River, I'll await his response.

[3:00]

Mr. Reid: Mr. Speaker, I don't mean to suggest that the Premier has intentionally misled this House. What I meant to point out was that the Premier indicated that we were in receipt of this information and that we had it, but in fact, we have not had it. The first we heard of it today was when the Premier made the statement about the impartial chairman of the assessment board. I don't indicate that the Premier intentionally misled the House but I think there was some misinformation given.

Mr. Speaker: Actually, I advise and caution the hon. member to be more careful in his choice of words from here on. Order please.

Mr. Lewis: What?

Interjections.

Mr. Speaker: Order, please. I'm not getting into a debate as to what the content of the material is. Does the hon. Leader of the Opposition realize that the Speaker is speaking? All right. I think I made myself clear, though. I'm not ruling on the content—order, please. Now does the hon. Leader of the Opposition have a point or is he continuing his question? Which is it now?

Mr. Lewis: I just wanted to point out to you, as an aside, that when I was accused of straight fabrication, you didn't have the slightest inclination to intervene. But when the member for Rainy River—

Interjections.

Mr. Lewis: May I draw your attention to the fact that I'm still on my feet, sir? Thank you. When the member for Rainy River—that's right, I had not completed.

Mr. Speaker: Order.

Hon. Mr. McKeough: Just can't take it.

Interjections,

Mr. Speaker: The hon. Leader of the Opposition.

Mr. Lewis: When the member for Rainy River made a simple statement of fact you chose to intervene. We ask only that the judgements on what is truth and what must be withdrawn be applied fairly and equally in the House. That's all we ask.

Mr. S. Smith: That's right.

Mr. Lewis: I apologize for my earlier disrespect.

Mr. Speaker: Thank you very much. As I say again, a difference of opinion arises from time to time, but it's very clear that in the House we shall not accuse another member of deliberately misleading the House. Now that's all I'm saying.

Mrs. Campbell: That isn't what he said.

Mr. Speaker: I don't care what the statement—

Interjections.

Mr. Speaker: Order, please. Can we get on with the question? Does the Leader of the Opposition have further questions?

REED PAPER

Mr. Lewis: Yes, I certainly do.

A question, if I may, to the Minister of Natural Resources. Will he explain the meaning of section 8 of the memorandum, under timber allocation, which gives him the right to grant portions of the present tract under discussion if it has regard to reasonable business requirement? It says under 8b, he has the right to grant Crown timber licences under any existing agreements for the supply of Crown timber, or under any existing commitments.

Why is that there if there is no existing commitment? If so, what is the existing commitment and what does he intend to grant to Reed?

Hon. Mr. Bernier: Let me make it very clear that there is no commitment to grant any timber to Reed per se. What this says is, and I want to read into the record just in case there's some misinterpretation or some twisting of the words:

Having due regard to the reasonable business requirement of the company hereunder, the minister may make available Crown timber from the tract to maintain the existing wood using industries now dependent on Crown timber from tracts and without limiting the generality of the foregoing nothing herein shall restrict the Crown from—

And it lists it.

That was put in there for a very distinct purpose. We have a number of industries working in northwestern Ontario employing literally hundreds of people. In the event that we should run across the situation we've had in the last two or three years with regard to spruce budworm or to forest fires, then the minister could, providing he had the approval of the Minister of the Environment, because he will have the final word to allocate timber to meet the needs of any company.

Mr. Lewis: Doesn't say so there.

Interjections.

Mr. Speaker: Order please.

Hon. Mr. Bernier: The order in council—we want to protect those jobs which presently exist, so we wouldn't be locked in totally with this. We want to keep these ongoing jobs going. That's the whole purpose of that section; to protect us, to give us control.

Interjections.

Mr. Lewis: By way of supplementary, is it not true that just last year the minister had agreed to give Reed 1,300 square miles of the present acreage now under discussion, as listed in their prospectus filed with the Ontario Securities Commission? They haven't taken advantage of it yet, but doesn't it still give the minister that right under this clause?

Hon. Mr. Bernier: No, Mr. Speaker.

Mr. Lewis: It gives him a wide open and clear right.

Mr. Reid: Supplementary.

Mr. Speaker: Supplementary, the member for Rainy River.

Mr. Reid: For clarification—I asked the minister this about a year ago: Will this

allow, for instance, Boise Cascade to have access to that wood in that area if it's required?

Hon. Mr. Bernier: Mr. Speaker, in the event that there was a catastrophe of nature, to keep the existing plant going in Kenora then we would have that right under this section.

RADIOACTIVITY AT ELLIOT LAKE

Mr. Lewis: A question of the Minister of Health, if I may: Can the Minister of Health give us some assurance about the community of Elliot Lake, given the radioactive fault in the rock formation which has been found running through the town, and particularly the building of houses on foundations made from radioactive materials? What can be done to prevent Elliot Lake from turning into the fiasco of Port Hope?

Hon. F. S. Miller: Mr. Speaker, because we have had the experience with Port Hope and because eventually, as you know, the federal government assumed responsibility for its role there, the federal government has already said it will start and carry out the testing programme in Elliot Lake. That's the information I have right now. I think it's quite proper it should rest with them.

Mr. Lewis: One supplementary, if I may: Is it possible for the Ministry of Health to initiate monitoring and testing and surveying in the Bancroft area since logic, if not intuition, would lead us to believe that the pattern of Port Hope and Elliot Lake may well be repeated in Bancroft? And wouldn't it be preferable to sort it out now?

Hon. F. S. Miller: Certainly we have reasons to suspect a number of areas. I think when we were looking at Port Hope you may recall the federal government got into the act and had mentioned spots where they thought there were abnormal concentrations. That is one of them.

Mr. Lewis: Can the minister do something about that?

Hon. F. S. Miller: I'd be glad to look into it and make sure they at least are, and if they aren't, then we can step in.

Mr. S. Smith: Mr. Speaker, a question of the Minister of Health.

Mr. Moffatt: Mr. Speaker, I had a supplementary.

Mr. Speaker: Oh, I'm sorry, I thought we were on to the next question. We will allow a supplementary; the member for Durham East.

Mr. Moffatt: Thank you, Mr. Speaker. To the Minister of Health: In view of the fact that the federal Atomic Energy Control Board has stated publicly that they have far too few staff to properly conduct investigations of the nature the minister just suggested, how does he anticipate such a study in all of those diverse areas being carried out?

Hon. F. S. Miller: Well, Mr. Speaker, with 39,000 more people in the last few years, I can't understand how the federal government is short of anybody.

Interjections.

Mr. Speaker: Order, please.

Hon. F. S. Miller: The fact remains we will be quite happy to get involved; if necessary on a contract basis if they are that badly off.

Interjections.

REED PAPER

Mr. S. Smith: A question, Mr. Speaker, for the Minister of Natural Resources: Getting back to the clause 5(b) in the memorandum of understanding regarding Reed Paper, is the minister aware that 5(b) reads, "that in the event that the company performs its obligations under paragraphs 2 and 4 the minister agrees to grant to the company a licence," and so on.

Mr. Nixon: Red tape.

Mr. S. Smith: And is he aware that paragraphs 2 and 4 with the environmental impact study and with management plans and feasibility studies, each of which can be settled by someone's opinion other than that of the government itself? Therefore, would he not agree that the government no longer has discretion not to grant the licence if in fact 2 and 4 are complied with?

Mr. Lewis: Is what you said untrue today?

Hon. Mr. Bernier: I would ask the member to read 2(b) of the agreement under the environmental impact study, which says, Mr. Speaker:

The company agrees that it will be prepared by July 1, 1977 to participate and that it will participate in a public meeting

to be held by the Environmental Assessment Board of the Ministry of the Environment in the Dryden, Red Lake, Ear Falls area for the purpose of ensuring that the proposed development by the company will be environmentally acceptable.

Mr. Singer: Supplementary: Would the minister not agree that all that 2(b) that he just read says is that the company will agree to make the proposal environmentally acceptable and that there is nothing in section 8, the one that he just read, that vitiates from the provisions of 5(b); and further that 5(b) gives no discretion that the tests are objective, as is the test in 2(b), and 8, is a supplementary licence to somebody else? Could the minister tell us if there is any other basis whatsoever in his memorandum of agreement which says the government may or may not issue the licence provided it wishes to refuse or not to refuse to do so? Is there any other place in section 5(b) or 2(b) or section 8 where this might be indicated, because the three that he has already given us don't indicate any such thing?

Hon. Mr. Bernier: Yes, we interpret those sections to give the government complete control of the whole area. That's the way it's interpreted and that's the way the agreement has been drawn up.

Mr. Lewis: They don't.

Mr. Singer: We know how well your interpretations will hold up in court.

Hon. Mr. Bernier: Yes, they will.

Mr. Lewis: A hopeless memorandum.

Mr. R. S. Smith: Who wrote this agreement?

Mr. Renwick: By way of a supplementary question, is the minister aware that the provision that provides for the forfeiture of the \$500,000 is conditioned only on the failure of Reed to build the pulp mill and has nothing to do with the fact that the licence may remain in existence for the price of \$500,000 and no pulp mill?

Mr. Lewis: That's right. The licence is retained. It means the \$500,000 is lost.

Hon. Mr. Bernier: No, that's not entirely correct. If you'll read the Act, and look over it carefully, and the whole agreement together—

Mr. Lewis: We did.

Hon. Mr. Bernier: —you will see that the Ministry of the Environment does have the

final word. The Environmental Assessment Board is totally involved and the licence cannot be issued if the board rules against it; it is in there, it is carefully worded.

Mr. Lewis: No, you are not answering the question.

Mr. Renwick: After the licence is granted they build the pulp mill.

Hon. Mr. Davis: The condition of the licence—

Interjections.

Mr. Speaker: Order please.

Mr. Singer: Supplementary: In view of the very difficult position that the ministry has to find itself in by relying on the terms of the agreement, wouldn't the ministry be better advised to bring in a brand new statute, which we might pass, saying that come what may the final discretion about awarding the licence lies with the ministry, and not rely on this document?

Hon. Mr. Bernier: There is ample provision and protection under The Crown Timber Act for the issuing of that licence. Conditions can be attached to it.

Mr. Speaker: Final supplementary, the Leader of the Opposition—

Mr. Lewis: May I not point out to the minister that the document is so frail that after he has granted the licence, having conformed with all of the environmental hearings, then if the company does not build the pulp mill within the time required the company forfeits the \$500,000, but it does not forfeit the licence, that is nowhere in this agreement. The licence remains for 21 years. Look at the section.

Mr. Reid: Look at section 6.

Hon. Mr. Bernier: The member has not read and does not know what the conditions of The Crown Timber Act are.

Mr. Lewis: I have read it; I am totally right. You haven't protected yourself, and when I raised it with Mr. Greaves last night he recognized it.

Mr. Speaker: Order please, that was the final supplementary. The member for Hamilton West has the floor.

Hon. Mr. Davis: We put a condition on the licence.

Hon. Mr. Bernier: The government is in control.

Mr. S. Smith: I have a question for the Minister of Health. He's disappeared, oh, heavens!

HYDRO RATES

Mr. S. Smith: A question for the Minister of Energy: Is there any truth to the rumour that the minister will announce shortly the acceptance of our suggestion that Hydro's wasteful declining block rate structure be eliminated; and if so, is he intending to go so far as to implement our other useful suggestion, namely an inverted rate structure, which would truly be a conservation move?

Hon. Mr. Timbrell: As the member knows—and it is public knowledge, so it is not a rumour—I will be making a statement in the House tomorrow, at which time I will table the costing and pricing study which has been under preparation for some time. I just suggest that he wait until tomorrow and he'll find out what's in there and the process which will follow from that at the Energy Board.

Mr. Lewis: The idea is that of the member for Windsor-Riverside (Mr. Burr); let that be understood.

LIQUID WASTE DISPOSAL

Mr. S. Smith: A question for the Minister of the Environment: Would the minister not agree that a description of the chemical, physical and biological properties characteristic to the fluid to be injected into the proposed deep disposal sites in Canborough township by Cambrian Disposal Limited should be required information to be placed before the Environmental Assessment Board hearing on November 8? Would the minister see to it that a list of these properties, chemical, physical and biological, be placed before that board?

[3:15]

Hon. Mr. Kerr: Yes, Mr. Speaker, that would be an obvious and natural request to the board, because that is one of the terms or conditions of any approval that would be issued by the board and by the ministry.

Mr. Lewis: Supplementary: Since the minister was good enough to send me the letter—which I read and marginally understood; marginally understood—may I ask why is it

not possible to put the precise chemical compounds and their relative toxicity in the hands of the citizens group which is appearing to object to the use of the wells in the Canborough site? Why is it not possible to give them that information in advance so that they can make it a part of their argument before the board?

Hon. Mr. Kerr: Mr. Speaker, one of the problems—and this is what I pointed out to the hon. member—is that there will be a certain amount of mix of various chemicals after they are treated at the plant in Mississauga, for example, and “destroyed” there, and then hauled to Canborough. The chemicals will be mixed and, therefore, to list specific chemicals really won’t help the members of the public or really indicate the true effect of that chemical or whatever effect it may have in being disposed of.

Mr. Lewis: Let them know. You have hidden it up to now.

Hon. Mr. Kerr: There is no reason why we can’t give this to the members of the public and certainly this is something that could be before the Environmental Assessment Board, but—

Mr. Lewis: Do it in advance. That’s what they have asked for.

Hon. Mr. Kerr: —it has to be accurate. It has to be accurate, and, as I say, if you have chemicals going into a plant, for example, in Mississauga, which will be the case here, treated there and mixed there, put into a truck and hauled to Canborough and put down a well, they are not necessarily the same chemicals with the same result, as a result of mixture hauled in the first place to Mississauga.

Mr. Lewis: They are probably worse.

Hon. Mr. Kerr: That is the problem and, therefore, rather than try and mislead anybody, I suppose the only thing we can do is list every possible ingredient that may go down the well.

Mr. Lewis: That’s right.

Mr. Nixon: Supplementary: Since this matter is so technical and complex and yet the responsibility to argue against the granting of the licence seems to fall on citizens groups as well as the local municipality and since the local municipality has indicated they don’t feel they have sufficient time to prepare the elaborate defence against the possible award of the right to inject these chemicals, will

the minister consider asking for a postponement of the hearing beyond November 8, which has only given them about two weeks to prepare this elaborate submission?

Hon. Mr. Kerr: Mr. Speaker, it is very important—and it’s under the Act—that the minister doesn’t interfere in any way in this process. For one thing, I am one of the sources of appeal in the event that the citizens, for example, aren’t happy with the decision of the board. I don’t think there would be any problem if the citizens group or anybody appearing before that board asked for adjournment upon reasonable grounds and I would think that adjournment would be given.

Mr. Gaunt: Supplementary: In the event that this request would be granted, what kind of monitoring systems is the ministry going to undertake to ensure that no contamination takes place with respect to the underground drinking water sources?

Hon. Mr. Kerr: Mr. Speaker, for one thing this particular well goes half way to Peking.

Mr. Reid: Now we are making war on China. Are you going down there personally to investigate, George?

Mr. Nixon: You will never go far enough.

Hon. Mr. Kerr: It is about 3,000 feet deep—

Mr. Reid: What if they are coming the other way?

Hon. Mr. Kerr: —and the water table, I would say, is about 2,600 feet above the bottom of that well, so I don’t think there is any concern with that.

Mr. Godfrey: Supplementary: In view of the statement that he doesn’t know where the well really does go—and I can assure him it does not go half way to Peking—would he not undertake to do sufficient studies to reassure us that if stuff is put down the well, it won’t end up in the Detroit River or other lakes in the same way the refuse is now being put in the Detroit River? Would he not undertake that those studies be done by a government agency?

Hon. Mr. Kerr: Mr. Speaker, that is one of the things that would have to be discussed at the board hearing and the board would have to be satisfied on that. There is, I think, ample technical and scientific evidence that would indicate whether or not a well of that depth, with the type of equipment that

will be installed—for example, the piping, the casing, the type of material that it would be composed of, all that type of evidence would come out.

Mr. S. Smith: I have another question on the same topic of the Minister of the Environment. Would the minister move to require all companies that produce waste chemicals to supply a list to the ministry indicating the toxic chemicals produced by the company and where these chemicals are presently being dumped? I think this would be a great move forward. Would he consider doing that?

Hon. Mr. Kerr: At the present time, we are finalizing some regulations regarding the hauling and disposal of industrial liquid waste. We're using the waybill method which indicates the type of waste, where it is picked up and where it will be disposed of. That enables us to carry out a monitoring and inspection system.

We are aware of the companies involved in this business. We naturally know where the disposal sites are and we know what various types of toxic materials are being disposed of. So we've got a complete handle on this whole problem, and it is a problem. The real problem, as far as we're concerned, is that we have to stop using ordinary land-fill sites for this type of disposal. Therefore, it is essential that we find other methods, such as deep well disposal.

Mr. S. Smith: I have a supplementary with regard to using the deep well disposal method: Are the abandoned subsurface wells in the Sarnia area presently being monitored by the ministry?

Hon. Mr. Kerr: Yes, the one's that are in use for this purpose.

Mr. S. Smith: I have a further supplementary. Will the minister confirm reports that there are wastes in these particular wells that are moving within the underground strata and reaching the surface?

Hon. Mr. Kerr: There was a report several months ago, Mr. Speaker, of a particular well that may be affecting our neighbours in Michigan.

Mr. Nixon: Just like the Chinese.

Hon. Mr. Kerr: This well is now out of commission.

Mr. Breithaupt: Don't put a handle on that long well or you will flood out Peking.

Mr. Speaker: Order, please, one final supplementary on this. The member for Durham West.

Mr. Godfrey: Will the minister not confirm the fact that Tricil have been told they must stop dumping their waste disposal in the wells around the Detroit River as of the end of this year?

Hon. Mr. Kerr: Yes, Mr. Speaker, there's one well that has to stop at the end of this year but unless we have some alternate method of disposal and a little less emotional involvement in this type of disposal and more hard facts—

Mr. Godfrey: It's not emotional to be healthy.

Hon. Mr. Kerr: The Leader of the Opposition was tippy-toeing around Canborough and saying: "This is a terrible thing," and causing all kinds of problems.

Mr. Lewis: This is the second time today. What is this?

Hon. Mr. Kerr: We've got to get the emotion out of this and stick to science.

POINT OF PRIVILEGE

Mr. Lewis: Mr. Speaker, on a point of personal privilege.

Mr. Speaker: Point of privilege.

Mr. Lewis: On a point of personal privilege, I did not tippy-toe around Canborough.

Mr. Breithaupt: What did you do?

Mr. Lewis: I strutted into Canborough at a community meeting of several hundred people, all of whom expressed concern, and uniformly condemned your ministry for the lack of support.

Mr. Breithaupt: On tippy-toe.

Mr. Speaker: Does the hon. member for Hamilton West have further questions?

Mr. Lewis: Tip-toe around Canborough! Whatever your proclivities are, don't attribute them to me.

Mr. S. Smith: I have a question, Mr. Speaker, of the Minister of Health. I notice he's returned, because I had to shade my eyes.

FREEZE ON NURSING HOME BEDS

Mr. S. Smith: Could the minister tell us, since we were unable to find this out from his ministry this morning, whether he is prepared to lift his freeze on nursing home bed approvals, particularly in the Toronto area; particularly in the light of the Woods-Gordon study on hospital and nursing home beds which has indicated a shortage everywhere except Scarborough and North York? Would he consider lifting his freeze on nursing home beds?

Hon. F. S. Miller: First, Mr. Speaker, I'm sorry the member had to shade his eyes, but it shows he and I have one thing in common and that's the name Stuart.

Interjections.

Hon. F. S. Miller: I just happen to show mine in a different way.

I am not prepared to lift the nursing home bed freeze. First of all, we have about 2,000 beds in construction in various parts of the province which will, I would say, come on stream before too long. Secondly, a very important part of the conclusion, or data, needs to be looked at, too, and it isn't there. That is simply how many people are in nursing homes who shouldn't be there. That has to be looked at, as it was in Ottawa, to determine whether in fact we have an imbalance in the nursing homes as well as in the hospitals.

Mr. Speaker: The member for Hamilton East.

Mr. Mackenzie: To the Minister of Labour—

Mr. Speaker: I'm sorry; the member for Hamilton West was finished, was he not?

Mr. S. Smith: I had one more question for the Minister of Health on a different topic, Mr. Speaker.

BROWNDALÉ OPERATIONS

Mr. S. Smith: Can the minister tell us exactly what the policy is in his ministry regarding the direct purchase of property, instead of leasing, by Browndale? Is direct purchase of property happening and under what authority can Browndale seemingly use operating per diem moneys for those capital acquisitions?

Hon. F. S. Miller: Mr. Speaker, I don't know that we've ever had any policy on whether Browndale owned or leased prop-

erty, nor do I believe we should. The real question is whether we're getting value for the care rendered and since we went to a per diem basis the question of the actual cost of the property has gone into, I'd say, a less important area. Certainly, in the days prior to a per diem it was a critical factor because it was built into the cost.

Since we went to per diem their method of obtaining property is not important, except in the Attorney General's investigations, should it be improper in some legal or criminal way. I'm not really aware of the investigations there so I can make no comment on them.

We are only concerned with the average per diem for the place. This year, believe it or not, it's only three per cent more than last year.

Mr. S. Smith: A supplementary. Is it not a fact that the ministry must given some approval to such purchases and to leasing arrangements? Is it or is it not a fact that the ministry has to approve any lease entered into by Browndale?

Hon. F. S. Miller: I'm not sure we approve the details of a lease. What we do have to do is approve the location and that is true of any person licensed under The Children's Mental Health Act.

Mr. S. Smith: A final supplementary, if I might: Can the minister explain to us, if it's simply a matter of making sure, as he said in a letter to me and as he just said to the House, that the quality of care supplied is satisfactory and making sure that the price is reasonable, there is any reason to insist that Browndale be a non-profit organization? Why not simply allow them to make the profit, since he doesn't seem to mind if they lease from their own profit-making arm?

Hon. F. S. Miller: I assume that the ideological background of the owner of Browndale would prevent him from making a profit.

Mr. S. Smith: What kind of an answer is that to a serious question?

Mr. Breithaupt: That is not even funny.

Hon. Mr. Davis: He is the only one in the group that has that reservation.

Interjections.

SINTERING PLANT EXPOSURE CRITERIA

Mr. Mackenzie: To the Minister of Labour: What possible justification could the minister give this House for the comments by the Workmen's Compensation Board spokesman, Jack Hollingworth, as reported in yesterday's *Globe and Mail* and last night's *Spectator*, that the board uses a six-month exposure criteria for sintering plant workers in Sudbury and a one-year exposure criteria for sintering plant workers in Port Colborne?

Hon. B. Stephenson: Mr. Speaker, it was my understanding that the six-month criteria had been used for the sintering plant in Copper Cliff until 1952, and that when the process was changed at that time and was made similar to the process used in Port Colborne, the same one-year criteria was utilized in both of those areas, from the year 1952 on.

MILK PRODUCTION

Mr. Gaunt: Mr. Speaker, I have a question of the Minister of Agriculture and Food. Would the minister consider, as a temporary relief measure to the industrial milk producers, a rebate of the \$1.35 levy?

Hon. W. Newman: Mr. Speaker, I'd like to answer that question. I'd say no at this point in time, qualifying it by saying we have already put up a provincial commitment of \$10.4 million to allow the in-sleeve production to go on. We have 127 million pounds of milk which have been allocated to the province of Ontario, or will be allocated nine days from now by Ottawa, which we have been asking for repeatedly now for the last 2½ months, which we now finally have, and when the Milk Marketing Board, whom I met with last Friday, decide exactly how this allocation will go I think it will have a great deal of bearing on those producers who are suffering a great deal of hardship.

[3:30]

Mr. Riddell: Supplementary: As it is obvious there is going to be no relief forthcoming for the milk producers in accordance with the suggestions made by my colleague, can the minister tell us how and when the additional allocations to the province of Ontario will be distributed to the milk producers in Ontario?

Hon. W. Newman: I am anticipating that the Milk Marketing Board at its meeting

today and I believe again tomorrow—I had a meeting with them last Friday, or with some of the members of the board to discuss my thoughts on the matter. They are meeting, I guess, yesterday, today and tomorrow. Mr. Whelan wants an answer exactly how they think it should be distributed. The quota will be available from Ottawa in about nine days' time, which will take us past the end of the month. I would anticipate, if it can be worked out satisfactorily, that the quota allocation would show up in the November milk allocation, which cheque would be in the producers' hands approximately by December 15.

Mr. Good: Priority basis or across the board?

HOME CARE GRANTS

Ms. Sandeman: A question for the Minister of Health: Could the minister please explain the rationale for the funding method for home care services in this province which resulted last week in a schedule of cash flow payments for the VON branch in Peterborough, which indicated that they would receive absolutely no funds for home care for the month of October; and further, would the minister advise that in such a situation home care services be withdrawn for the month?

Hon. F. S. Miller: Mr. Speaker, the overall home care budget this year was up around 18 per cent, I think, over last year. Peterborough isn't the only area faced with some last-quarter problems, because apparently the level of service rendered in a number of areas in the first half of the fiscal year exceeded the rate it should have.

I have my staff looking into the problems, not only for them but for a number of other areas who are experiencing a similar problem, and until I get an answer to that I'm honestly unable to say what will happen to any one specific area. I want to see why we are in this problem, because enough money was allowed for a normal growth, both in inflationary costs and the expected number of cases handled across the province.

Ms. Sandeman: Supplementary: While the minister is looking into this problem, could he please assure branches who have been told they'll have no money for one month that they can, in fact, continue to give the services which they expect to be able to render?

Hon. F. S. Miller: Mr. Speaker, I don't want to make assurances I can't back up with money. I have no right to promise money until I, in turn, have got it. That's a thing we both have to realize. Their budgets, I understood, were clearly spelled out. I want to know why before I answer that.

Mr. Makarchuk: Supplementary, Mr. Speaker.

Mr. Speaker: I think we should get on to a new question. There's just a few moments left.

Mr. Roy: Mine's a new question.

OTTAWA-CARLETON DETENTION CENTRE

Mr. Roy: I'd like to ask a question of the Minister of Correctional Services—

An hon. member: The little guy across the hall.

Mr. Roy: —dealing with the detention centre in Ottawa. In view of the fact that over the last 16 months there's been about 17 escapes, a riot, a suicide, a murder, a hostage drama, and in view of the fact that he's been saying all along that he knew what was wrong with the place, what is he going to do to correct the situation and prevent that sort of thing?

Hon. Mr. Rhodes: Lock your doors.

Hon. J. R. Smith: Mr. Speaker, a number of things have taken place. One is that tenders have been called for internal alterations to—

Mr. Peterson: Just go up there yourself and—

Hon. J. R. Smith: —tighten the internal security or the maximum security area of the detention centre. New screening devices have been installed in the meeting area for visitors. We presently are going to construct a new wall around the exercise yard.

The National Capital Commission has agreed to clear the brush at the rear of the detention centre, and we're receiving co-operation from the Attorney General to expedite long remands of dangerous prisoners who are being detained at that centre.

Mr. Roy: Could I ask a supplementary? In view of the fact that at the last time there was an escape, some 16 months ago, seven people got away, the minister pointed out at that time the security problems. Why

didn't he correct these before six other people left the place just a few weeks ago by just throwing a gun and fence cutters over the fence?

Mr. Breithaupt: He is giving them a group rate.

Mr. Roy: And what is he going to do?

Hon. Mr. Rhodes: They wanted to vote in the federal by-election.

Mr. Breithaupt: For your candidate.

Mr. Roy: In view of the fact that we've pointed this out—

Mr. Speaker: I think the supplementary's been asked.

Mr. Roy: In view of the fact that we've pointed out the security problems and the problems in justice over the last 18 months, what's taken the minister so long to correct that problem?

Hon. J. R. Smith: To my knowledge, the hon. member hasn't visited the centre for some time himself, and I wish he had involved himself to put forward some positive suggestions.

Mr. Roy: Hell, I live a mile from there. I go there regularly.

Mr. Breithaupt: He once spent two years less a day there.

Mr. Roy: I am on a day pass every time I come down here.

Mr. Speaker: Any further questions?

AUTOMOBILE INSURANCE

Mr. Reid: Mr. Speaker, I have a question for the Minister of Consumer and Commercial Relations. In view of the amendments that he is tabling today, does he not think it's time that he proclaimed sections 366 and 367 of The Insurance Act in order to ensure that people, particularly people in northern Ontario, can first of all get insurance, without having to go through the Superintendent of Insurance to put pressure on the insurance companies to provide that insurance and, secondly, so that they can get insurance at reasonable rates?

Hon. Mr. Handleman: Mr. Speaker, the proclamation of those sections might very well have the effect it has had in Newfoundland, and that would deprive people in

northern Ontario of any insurance coverage. We are dealing with the market problems in the insurance industry, and I've said to all hon. members if they know of anyone who can't get insurance, please contact us and we'll try to do everything possible.

As far as proclamation of the sections is concerned, my understanding is there is a select committee on company law which is dealing with this matter at the present time. They've had a few months of sittings and they've travelled the world. I assume they have some recommendations to make to us; we'd be prepared to consider them when they come.

PETITIONS

Mr. Germa: Mr. Speaker, I would like to present a petition addressed to the Lieutenant Governor in Council and the Legislative Assembly of Ontario. It's presented by the external policy implementation committee of the Ontario Secondary School Teachers' Federation, which requests that the province of Ontario withdraw from its agreement with the federal government as it relates to the Anti-Inflation Board legislation. I have affixed my signature to the petition.

REPORTS

Hon. Mr. McKeough presented the report of the Ontario Universities Capital Aid Corporation financial statements and report on the audit for the year ended March 31, 1976.

Hon. Mr. McKeough presented the report of the Ontario Education Capital Aid Corporation financial statements and report on the audit for the year ended March 31, 1976.

Hon. Mr. McKeough presented the report of the Ontario Municipal Improvement Corporation financial statements and report on the audit for the year ended March 31, 1976.

Hon. Mr. McKeough presented the report of the Public Service Superannuation Fund statement of fund and report on the audit for the year ended March 31, 1976.

Hon. Mr. McKeough presented the report of the Public Service Superannuation Adjustment Fund financial statement and report on the audit for the period from inception to March 31, 1976.

Hon. Mr. Parrott presented the financial report of Queen's University for the year ended April 30, 1976.

Hon. Mr. Parrott presented the financial report of Wilfrid Laurier University for the year ended April 30, 1976.

Hon. Mr. Parrott presented the financial report of Huron College for the year ended April 30, 1976.

Hon. Mr. Parrott presented the financial report of Ryerson Polytechnical Institute for the year ended March 31, 1976.

Hon. Mr. Timbrell presented the annual report of the Ministry of Energy for the year ended March 31, 1976.

Hon. Mr. Timbrell presented the report on the Ontario Energy Board, dated September 30, 1976, with respect to 1977 Ontario Hydro rates, and letters to the Minister of Energy from the chairman and president of Ontario Hydro, dated October 19, 1976.

Hon. Mr. Timbrell: I understand that the government House leader, with his colleagues, the House leaders of the two opposition parties, has arranged for a discussion of this report and these letters on Monday afternoon next.

Hon. Mr. Rhodes presented a report on his ministry's second survey of the rental markets in Ontario, carried out in August.

Hon. Mr. Rhodes: Surveys were carried out in the cities of Toronto, Ottawa, Kingston, London, St. Catharines, Sault Ste. Marie, Sudbury and Thunder Bay. Copies of the report will be sent to the mail boxes of individual members.

Mr. Gregory from the select committee on highway transportation of goods presented the committee's report which was read as follows and adopted:

Your committee recommends that the time for presenting its final report be extended from December 31, 1976, to February 28, 1977.

Mr. Gregory from the select committee on highway transportation of goods presented the committee's interim report.

Mr. Gregory: Mr. Speaker, the terms of reference and the time limits assigned by the Legislative Assembly to this select committee posed a substantial challenge to members and staff. The members of the committee approached the task with vigour and a sense of purpose that enabled them to complete their work both on time and with unanimity. I congratulate the members for their ability to work well together and

thank them for making the position of chairman a very rewarding experience.

The committee is fortunate to have an outstanding staff. It is because of the work of Mr. Max Rapoport, QC, committee counsel, Mr. Brian Caldwell, research director, and Miss Gail Roberts, secretary, that the committee was able to cope with such a complex subject. Their diligence and high level of work made it possible for the committee to hold so many of its hearings outside the Toronto area. David Callfas, assistant clerk of the Legislative Assembly assumed enormous responsibilities in not only scheduling the many hearings across the province but also has taken care of the physical arrangements for the committee.

Hon. Mr. McMurtry presented the report of the statutory powers procedure rules committee for the year ending May, 1976.

MOTIONS

Hon. Mr. McKeough moved that the Treasurer of Ontario be authorized to pay the salaries of the civil servants and other necessary payments pending the voting of supply for the period commencing November 1, 1976, such payments to be charged to the proper appropriations following the voting of supply.

Mr. Breithaupt: I understood from my earlier discussions, at least with the House leader that motion was to have a two-month term on it, but I understand that that is not in the motion at this point?

Hon. Mr. McKeough: It couldn't matter less to me. It's my understanding that the estimates will be completed, presumably, in a month's time and we will be putting the final supply bill. If the member wants to put a time limit on it for December 31 it's fine with me. It would be my hope that we would have wound up that matter for this year by then in any case. So it doesn't matter.

Mr. Breithaupt: My only further comment, Mr. Speaker, was to that effect—that of course pursuant to the rule I believe the 75 days for estimates is completed some time in early December in any case. So that we would have no objection to the motion passing on that term.

Ms. Bryden: I wanted to make a few further comments on this motion. I certainly think there should be a time limit on it so that we know what we are voting and when it will expire. I would assume that the estimates

will be dealt with before we rise some time in December.

But I also wanted to state that we on this side are somewhat reluctant to support a motion which is based on estimates, which in our opinion recognize wrong priorities. During the discussion of the estimates that have come before the Legislature or the committees so far we have made clear where our priorities differ from the government's. For example, we question the \$23.6 million in the Housing estimates for payment of home buyer grants, which will bring the total for this programme up to almost \$110 million. We question the whole purpose of this give-away programme. Subsequent developments have indicated that it was so badly designed and so badly administered that a substantial proportion of these funds voted by the House went to purchasers of houses over \$100,000 and substantial amounts to people who cheated by signing fraudulent statements about previous home ownership.

[3:45]

We're reluctant to vote for funds for this kind of programme and we regret that the funds did not go to provide affordable housing.

We also question the continuing expenditure of millions of dollars on the so-called super ministries and ministers without portfolio. The current year's estimates for these programmes amount to over \$6 million. This sum might have been used to bring a much needed increase to persons on social assistance who have not had an increase for over a year despite increases in the cost of living; people who are mainly sick disabled, elderly and unable to work. I could go on and outline many other areas where our priorities differ, but we have already done this in the discussions on the estimates and will continue to do so.

But we also have considerable doubt about supporting a supply motion to a government which spent \$877 million over the main estimates last year, and which in the first six months of the current fiscal year has spending over-runs totalling \$139 million. Most of it is in the field of health, which the minister has consistently failed to bring under control due to lack of planning and failure to limit the over-use of active treatment beds and private profit making labs and of unnecessary surgical procedures.

Significant over-runs are also apparent for this year in the justice policy field totalling \$35 million. This would seem to indicate

the failure of this government to develop adequate crime prevention programmes. It seems to be able to find money for increases in judges' salaries but none for raising juror's fees from the miserable \$10 a day which they are now getting.

The drop of \$36 million in the amount allocated in the budget for housing investment is a further indication of policy failure which seems to be the chief way in which over-runs are being offset in order to keep the—

POINT OF ORDER

Mr. Speaker: Order, please. The hon. member for London Centre has a point of order.

Mr. Peterson: On a point of order, it is my understanding of the rules that these estimates have already passed and they are not germane or relevant to this particular matter of housing the member is talking about. My understanding of the rules is that this is not the opportunity or the time for discussion in this particular area in the House at this time. If the member wants to talk about issues of that nature it is only those estimates that have not been passed as of this time.

Mr. Speaker: As I understand it, the hon. member is outlining, but not debating in detail, the reasons why they are not in favour of extending the right to pay salaries of civil servants and other necessary payments. As long as you stick to something very brief, just to illustrate but not debate the reasons, then it would be in order.

Mr. Peterson: The estimates in Housing have already passed. It is irrelevant what she has to say about it now.

Mr. Speaker: I think if the hon. member will confine her remarks to just summarizing the reasons—something like a debate on third reading of bills—then it's in order.

Ms. Bryden: Thank you, Mr. Speaker. I am simply referring to the housing under-runs that came out in the six months report—which is a sort of progress report on the government's spending to date. I am not discussing the estimates. I am saying that they are \$35 million under what was in the budget which seems to be the way they are making up for the over-run in other areas in order to keep the cash needs down.

I have only mentioned a few areas where the government's management of the finances

seem to indicate a failure to appreciate that the fiscal situation has to be brought under better control. These over-runs, which the Legislature does not vote for until long after the event, must be controlled. Despite these rather serious misgivings about the government's ability to manage its finances and to manage the funds which we vote for it, we are intending to support this motion for interim supply. We know that if we didn't do it, the civil servants would not be paid, the roads would not be maintained and we would have to revert to government by management board order which does not allow us to vote the funds in advance. We only find out about them several months after the orders are issued. We prefer to retain the right to vote supply prior to spending. We intend, though, to continue our criticism of the priorities and we look to the day when we can actually implement our priorities through these votes.

Motion agreed to.

Hon. Mr. Welch: Mr. Speaker, although this seems to be well in advance, it might help members in making their plans for next month.

Hon. Mr. Welch moved that notwithstanding any previous order, the House will meet on Wednesday, November 10, at 2 p.m., and when it adjourns that day, the House will stand adjourned until Monday, November 15.

Motion agreed to.

MUNICIPAL AMENDMENT ACT

Hon. Mr. McKeough moved first reading of Bill 149, An Act to amend The Municipal Act.

Motion agreed to.

Hon. Mr. McKeough: Mr. Speaker, I have a number of amendments to The Municipal Act to present to the House. Most are aimed at seeing that more local government decisions may be carried through at the community level. In this respect we propose the removal of several provisions regarding ministerial and municipal board approval to by-laws. We are also proposing to lift certain provisions requiring a two-thirds or three-quarters vote of council. Municipalities should be able to handle things as other governments do with a simple majority vote. I am not sure that my staff knew the significance of that particular phrase when they wrote it.

Of considerable interest will be the amendment which permits a separation of the tax

bill. This authorizes municipalities, if they wish, to send out one tax bill for school taxes and a separate bill for all other taxes the municipality is required to collect. This will aid accountability, assisting the taxpayer to know where his money is going.

Another amendment authorizes municipalities to enact a municipal code. This is optional but it should make it easier for new councils, as well as the public, to know the existing state of the various municipal by-laws.

I am also proposing to give the municipalities the option to do what they did before in respect to overdue taxes. At present municipalities are entitled to charge up to 12 per cent per annum on tax arrears. We are inserting the option of one per cent per month, which was the prior situation.

REGIONAL MUNICIPALITIES AMENDMENT ACT

Hon. Mr. McKeough moved first reading of Bill 150, An Act to amend the Regional Municipalities Act, 1976.

Motion agreed to.

Hon. Mr. McKeough: Mr. Speaker, the amendments to this bill duplicate, to some extent, the amendments for the Municipal Act with a few additions to allow for greater freedom of administrative action. Two amendments are related to certain requests from specified regions, namely, York and Durham.

DISTRICT MUNICIPALITY OF MUSKOKA AMENDMENT ACT

Hon. Mr. McKeough moved first reading of Bill 151, An Act to amend the District Municipality of Muskoka Act.

Motion agreed to.

MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

Hon. Mr. McKeough moved first reading of Bill 152, An Act to amend the Municipality of Metropolitan Toronto Act.

Motion agreed to.

Hon. Mr. McKeough: This bill, Mr. Speaker, is analogous to the Regional Municipalities Act. The amendments are similar.

COUNTY OF OXFORD AMENDMENT ACT

Hon. Mr. McKeough moved first reading of Bill 153, An Act to amend the County of Oxford Act, 1974.

Motion agreed to.

Hon. Mr. McKeough: Mr. Speaker, this bill brings the County of Oxford into line with the policies adopted and proposed for restructured municipalities generally.

MUNICIPALITY OF SHUNIAH AMENDMENT ACT

Hon. Mr. McKeough moved first reading of Bill 154, An Act respecting the Municipality of Shuniah Act.

Motion agreed to.

Hon. Mr. McKeough: Mr. Speaker, Shuniah is a municipality divided into two wards. The original legislation contained the unusual feature of requiring separate budgets to be prepared for each ward. The amendment in this bill was designed to streamline the budgetary procedure and also clarify the municipal designation of Shuniah.

Mr. Cassidy: Out with the cobwebs.

Hon. Mr. McKeough: Don't you think that's good?

Mr. Speaker: Introduction of bills.

INSURANCE AMENDMENT ACT

Hon. Mr. Handleman moved first reading of Bill 155, An Act to amend the Insurance Act.

Motion agreed to.

Mr. Deans: Why don't you do something about the rates? Small businesses are going out of business because of high insurance rates.

[4:00]

MOTOR VEHICLE ACCIDENT CLAIMS AMENDMENT ACT

Hon. Mr. Handleman moved first reading of Bill 156, An Act to amend the Motor Vehicle Accident Claims Act.

Motion agreed to.

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH AMENDMENT ACT

Mr. Cunningham moved first reading of Bill 157, An Act to amend the Regional Municipality of Hamilton-Wentworth Act, 1973.

Motion agreed to.

Mr. Cunningham: Mr. Speaker, this bill would amend section 135(3) of Bill 155, An Act to Create the Regional Municipality of Hamilton-Wentworth, and would provide for the election of members of the Public Utilities Commission and, hopefully, restore confidence in the Public Utilities Commission in my town.

UNIFORM TIME ACT

Mr. Cassidy moved first reading of Bill 158, The Uniform Time Act, 1976.

Motion agreed to.

Mr. Cassidy: Mr. Speaker, as in so many other areas, the government proposes to turn the clock back on the clock this weekend. This bill provides for year round daylight saving time in Ontario in order to conserve energy, and also to provide more usable hours of daylight in winter for the use and recreation of children and adults, particularly in urban areas.

Mr. Ruston: No respect for children getting on buses, I can see that.

Mr. Cassidy: The bill is obviously contentious. I think that the bill is particularly appropriate in view of the great efforts being made by the government with the launching of energy conservation week this weekend at the time the clocks are due to go back, and with the warnings by the Minister of Energy to people to conserve energy, in view of the excess load that is introduced by the reversion of standard time. So let the clocks not fall back.

ADVERTISING AND SELLING OF PERISHABLE STAPLES ACT

Mr. Grossman moved first reading of Bill 159, An Act respecting the Advertising and Selling of Perishable Staples.

Motion agreed to.

Mr. Grossman: Mr. Speaker, this bill would prohibit the advertising or selling of perishable staples such as bread, rolls and

other bakery items, as loss leaders at below cost prices.

Hon. Mr. Welch: Mr. Speaker, before the orders of the day, I wish to table the answers to questions 75, 117 and 119 standing on the notice paper. (See appendix, page 4222.)

Mr. Speaker: Orders of the day.

OMBUDSMAN SELECT COMMITTEE REPORT

Consideration of the first report of the select committee on the Ombudsman.

Mr. Speaker: Does the hon. member for Riverdale wish to lead off on this? Thank you.

Mr. Renwick: I have a few laconic comments to make on the report. I think in a very real sense the report speaks very much for itself. But I thought I should draw to the attention of the House the particular matters which may require some action by the House and some decisions with respect to them.

The report deals with a number of general matters and also, of course, deals with the unresolved impasse which arose between the government and the Ombudsman with respect to the North Pickering project. I want to leave my very brief comments on that matter to the end.

The first matter I want to deal with is that the select committee on the Ombudsman which sat under the chairmanship of the member for Wilson Heights (Mr. Singer), made a recommendation that there should be a permanent committee of the Legislature established to review the reports of the Ombudsman as they become available from time to time and the estimates of the Ombudsman. It would appear that this committee which was established in July by this House, the select committee on the Ombudsman to which this is the first report, is that permanent committee. Because of that there are two matters which I want to comment about.

The first one is that we recommend in the report that the terms of reference of the committee be enlarged to include the formulation, from time to time as the committee deems necessary, pursuant to section 16.1 of The Ombudsman Act, 1975, general rules for the guidance of the Ombudsman in the exercise of his functions under The Ombudsman's Act. I would hope that the House, for the reasons set forth in the report leading up

to that recommendation, would agree at an appropriate time that the terms of reference of the select committee be so amended. The reason is obvious. The statute requires it and there is no such committee yet established; and it was recommended by the first select committee on the Ombudsman, commonly known as the Singer committee.

The second matter, that is the question with respect to whether or not the additional term of reference of the committee should deal with the estimates of the Ombudsman, is one which the committee has not as yet taken any position on and it offers no opinion about it. It is a matter which we undoubtedly will take under advisement when the first annual report of the Ombudsman comes before the committee. This will likely be either sometime later this year or in the early part of next year.

I would draw your attention to the fact that this particular report expresses no opinion on that problem. We do recognize, of course, the immense amount of time and the difficulty which that whole question caused to the assembly and to the committees of the assembly earlier this year. We have stated in the report that the committee is of the opinion that it does not, at this time, have sufficient information respecting this function—that is whether or not we should be the committee to deal with the estimates of the Ombudsman, particularly in view of this committee's ongoing responsibilities in other areas. Accordingly, the report offers no opinion and makes no recommendation on the subject at this time.

The other matter on which the committee had occasion to rule was the long delayed and vexing question of whether or not the committee's proceedings should be open to audio-visual coverage by the media. After correspondence between myself and the Speaker, and other considerations which entered into the matter, the committee ruled that access to the press gallery members for audio-visual coverage by radio and television and still photography is permitted, and the rules which have applied in these proceedings to the print media will apply as well to the radio and television media.

We made that decision, I think, in the light of the wishes of the assembly about the matter and certainly after consultation with Mr. Speaker. There are some problems about it but we believe that the problems are not sufficiently real when balanced against the need for adequate coverage of those proceedings to rule out audio-visual coverage. We recommend in the report that

all necessary steps be taken by this assembly, or by whatever the appropriate committee of the assembly is, to formalize this extension of coverage so that it will be clarified for all of the committees of the assembly.

We believe that is consistent with the recommendations in the Camp commission report and also with respect to the resolution which has already been made about that problem in connection with the coverage of the proceedings in this assembly itself.

Turning now, if I may, to the North Pickering dispute, I think it is fair to say that we had, during the course of the hearings, the co-operation of all persons who were called before it or had occasion to be involved in these proceedings. I think on behalf of all the members of the committee I'd like to express my appreciation for that co-operation. I want to say specifically, without particularizing everyone who appeared before us, I think it is proper to say that the Ombudsman himself co-operated fully with the committee and the Minister of Housing co-operated fully with the committee.

I think the committee was firm and totally unanimous on the one proposition and that was that the select committee on the Ombudsman was not the proper forum at any occasion to deal on a one-to-one basis with the 44 cases that were in dispute between the Ombudsman and the Minister of Housing (Mr. Rhodes). It did not seem appropriate that a select committee of this assembly should take upon itself what was in the nature of a judicial decision on relative merits between the negotiators for the Ministry of Housing and the particular landowner as to what that decision should be. And I think it's fair to say that the members of the committee were unanimous and solid throughout the hearings that if that one-on-one operation had to take place at any time, a select committee of the assembly was not an appropriate body to do that.

In addition to that of course, we all realized that life was far too short for us to be engaged in that kind of a lengthy undertaking and we were quite prepared to stand united against any pressure brought on us that we should take it upon ourselves to make that kind of assessment.

I think in my own particular view, rights and responsibilities and duties between citizens are best decided in the courts and not in a forum such as that of the select committee the purpose of which is entirely different.

Within that framework, I think it is reasonable to say that we maintained a con-

sistent pressure on the Minister of Housing and on the Ombudsman, if I may use that in its best sense. The committee met regularly and diligently. The committee clearly indicated to both the Minister of Housing and to the Ombudsman that we were intent, regardless of the obstacles or hurdles which might appear before us, on doing the work which this assembly required of us, namely to review that report and report back to the assembly on it.

And in that basic sense of urgency which the committee brought to the problem with which it was confronted, and the need for a speedy solution of it, we had of course the immense and continuing support of the counsel for the committee, Mr. John Bell, and of both the first clerk of the committee and the present clerk of the committee.

[4.15]

In the working out of the meetings of the committee at about the end of September, it became relatively clear to all of us, and everyone responded to the situation, that in a sense the committee provided the forum for keeping the Ombudsman and the Minister of Housing in close and continuous contact. I think it is also fair to say that the catalyst which precipitated the solution to the problem was an action, a motion, brought in the Supreme Court of Ontario, returnable in the divisional court, on behalf of five of the negotiators.

I think that perhaps that occasion to precipitate the kind of agreement which was reached between the Minister of Housing and the Ombudsman was bound to come at some point in time. I think it is also proper to say that it was that particular event which precipitated the opportunity for the Minister of Housing and the Ombudsman to meet together to try to resolve the matters before us. The member for Quinte gave the final nudge to them when he suggested that they should perhaps have luncheon together and from there on in the Minister of Housing and the Ombudsman met privately themselves and then with members of their staff on an almost continuous basis until they reached an agreement on the direction of the committee.

They then returned to the committee and we met in camera at the request of both the Minister of Housing and the Ombudsman to discuss the agreement. We thoroughly canvassed the agreement, not from the point of view of remaking their agreement but to make certain that it was the kind of agree-

ment which would draw the concurrence of all members of the assembly, regardless of party, in this House.

We took a considerable amount of time to make certain also that there would be no need, to the extent that it was possible for us to do so, for enabling legislation in order that the agreement could be implemented because that would have meant further delay.

It was our anxiety, and I am quite certain it was shared by the Ombudsman and the Minister of Housing, that sufficient time had gone by, there had been enough delay in the course of settling these outstanding matters of very deep emotional controversy within the whole framework of the North Pickering project, and that the sooner these questions were settled, the better for everyone. Again, within that framework of that sense of urgency, we agreed in the agreement reached between the Ombudsman and the Minister of Housing and we urged that it be implemented promptly and immediately in order to cut down any further delay which was in many people's minds, already interminable.

I want to say that our recommendation, for which we ask the concurrence of the assembly, is to give effect to this agreement, that is, the agreement between the Ombudsman and the Minister of Housing.

This committee recommends that the legislative assembly approve in every respect the agreement reached between the Ombudsman and the Minister of Housing.

This committee further recommends that the commission to be appointed under The Public Inquiries Act, 1971, be appointed forthwith with terms of reference substantially in accord with the agreement between the Minister of Housing and the Ombudsman.

With respect to the statement of issues as adopted by this committee and reproduced earlier in this part of the report, the committee is of the opinion that the inquiry which will be conducted under The Public Inquiries Act, 1971, with the agreed terms of reference and the hearings by the Ombudsman's office, pursuant to section 22 of The Ombudsman's Act, 1975, will both involve areas of inquiry wherein those issues will be fully investigated, examined and thoroughly reported upon.

I wish to say that recommendation is the unanimous recommendation of the committee without even any mental reservations, so far as anyone could determine, on the

part of any member of the committee. I think it is within that spirit that the committee concluded its deliberations with respect to the North Pickering project.

I was pleased to note that the Premier (Mr. Davis) announced the appointment of that commission on the day that this session of the assembly reconvened. I think it was very important that that commission be appointed before this report was a matter of discussion in the assembly; otherwise the debate might very well have been confusing to say the least.

The commission that has been appointed—and I have not seen the exact terms of reference of the commission, but I assume they are in accordance with the recommendations of the select committee on the Ombudsman which I've just quoted verbatim from the report—is to be composed of the hon. J. F. Donnelly, a former judge of the Supreme Court of Ontario; Mr. Roy Grant, who is vice-chairman of the Ontario Land Compensation Board; and Mr. G. P. Marriott, who is also a member of that board.

Perhaps I might be permitted a minor parenthesis about our report. If I had to do it over again, I think I perhaps would have urged the members of the committee to have suggested that some consultation would have taken place between the members of the committee, perhaps the Attorney General (Mr. McMurtry) and perhaps with the Ombudsman, on the selection of that panel. I want to close that parenthesis with the simple statement that that in no way, in my judgement, is to be taken as reflecting in any way upon those persons who were appointed. However, in the delightful glow of afterthought, I would believe that the appearance would have been somewhat better had there been some consultation through this committee, with the government and with the Ombudsman on those appointments.

I am certain the commission that has been appointed will carry out the responsibilities which are imposed upon it in accordance with the Act and for the purpose of achieving the resolution of the very deep-seated emotional problems, let alone legal controversies, which arose in the process of the development of the North Pickering project.

Basically, the decision-making processes are in two parts. Twenty-eight of the cases—that's 12 cases which, in the hearings of the committee, had been disputed by the Minister of Housing, together with an additional 16 cases in which the five negotiators who had placed the motion in the divisional court—are to be dealt with by the commission under

The Public Inquiries Act, which of course will be in public in accordance with the requirements of that Act and will deal with the substance of the controversy between the particular land owners and the Ministry of Housing and those agents and employees acting for it.

I think it bears comment, as stated in the agreement between the Minister of Housing and the Ombudsman, that the commission is to be set up by order in council.

The commission so appointed will be empowered to consider in the first instance the overall merits of the claims for additional compensation of the former land owners. [Which in this case is the 28 land owners to whom I have referred.] In making this determination the commission shall be empowered to take into account all the circumstances of each particular case including, but without limitation, any misleading statements, inadequate appraisals or misunderstandings based upon reasonable grounds in the circumstances of the particular case.

In addition to that, the commission "shall determine what allegations of misconduct are made against the five applicants to the motion presently before the divisional court in the report of the Ombudsman and whether they are justified."

Then, after those determinations, they will be entitled to fix the additional mode of compensation to be paid, if any, in accordance with the terms as further set out in the report.

I think it is important for the House to recognize that that commission will deal with those 28 cases. I think it is the anticipation of all the members of the committee that that form of public inquiry will permit all of the issues which have caused so much deep concern in the North Pickering project, which were investigated by the Ombudsman, to be fully aired and I hope resolved in the report that will be made in due course by that commission published under the Public Inquiries Act.

The remainder of the 44 cases, together with additional cases, which at October 1 aggregated in total I believe about 71 cases, will go before the Ombudsman on an individual basis to be dealt with by the Ombudsman's office under oath in an adversarial situation but in camera. I think it's fitting that they should be in camera, those 71 cases, and any others which may have come in since that time. The Ombudsman's office will determine—whether or not by reason of any misunderstandings or any of

the other, in the broad sense of that term "misunderstandings" misrepresentations—other concerns which may have caused these controversies to arise; in each particular case the Ombudsman's office will make the decision. The Minister of Housing has agreed that in those 71 cases, plus any of the additional ones, that he, the Minister of Housing, will accept the decision of the Ombudsman's office in those cases and will then proceed automatically to refer those cases to the Land Compensation Board for determination of the additional compensation, if any, which may result from the consideration of those cases by the Ombudsman's office.

I spoke with the Ombudsman yesterday in connection with his annual report which is in process. His first annual report, I understand, will be presented if all goes well to Mr. Speaker and automatically thereby referred to this select committee some time before the end of this session. I would expect from what he said that it will be some time in late November. My anticipation would be that at the turn of the year, the committee will reconvene for the purpose of considering the first annual report of the Ombudsman. I think with the experience of the North Pickering project, with the experience of review of the first annual report of the Ombudsman, this committee will be in an informed position to be able to make intelligent and intelligible recommendations to the assembly with respect to the whole area of the institution of the Ombudsman's office and its relationship to the parliamentary process as we know it.

The member for St. Andrew-St. Patrick (Mr. Grossman), being the vice-chairman of the committee, and myself, had the privilege of meeting briefly while we were in England on other business with the chairman of the select committee of the House of Commons in the United Kingdom to discuss some of the problems and also to establish a very necessary relationship with that chairman, which I think will be of mutual benefit.

It may be interesting for the House to know that while it's not a matter of immediate concern to this assembly—and I suppose by the time it comes around few of us will be around—but one of the concerns they felt very strongly about was that the first Ombudsman appointed in the United Kingdom—he is actually called a parliamentary commissioner—retired from office and the government, unilaterally without any consultation, appointed the successor. There was no criticism of the choice of the successor but certainly the select committee in the United Kingdom and the House of Commons

felt that it would have been advisable and strongly urged that in the future any appointment of a successor in the important office of the Ombudsman should be after consultation, not any veto of course, with the select committee on the Parliamentary Commissioner in the United Kingdom. At some point in the future someone may want to raise in the assembly that very question but that's a long way off and it's not a matter of immediate concern.

[4:30]

I may also say that three members of the committee and counsel for the committee attended the first international conference of Ombudsmen. Those were the member for Hamilton Centre (Mr. Davison), the member for Quinte (Mr. O'Neil) and the member for Essex North (Mr. Ruston), together with counsel for the committee. They attended the first international conference of Ombudsmen in Edmonton. They had an opportunity to meet with the delegations from all of the countries in the world which attended that particular conference and I think those connections or relationships will prove of immense value to the committee in its ongoing work.

Specifically, and I think this is perhaps a suitable place for me to close my remarks, the Ombudsman in Alberta has now been in office for some 10 years. They are conducting—a special committee of the assembly is engaged in receiving public representations with respect to the office of the Ombudsman. As their Act is so much the same as ours counsel for the committee has made arrangements with that committee in Alberta to let us have the submissions which are made to the committee in Alberta to see whether or not we can perhaps have the benefit of their 10 years' experience and not, in our own case, have to wait 10 years before we have such a public review to deal with any anomalies or concerns that the public may have with respect to the function of the Ombudsman.

With those brief remarks I am pleased to have had the opportunity to chair the committee. I am surprised that the committee ended up with the unanimous result and I am delighted to think, in anticipation, that the report will receive the unanimous endorsement of the House and our recommendations which need to be implemented will be implemented.

Mr. Ruston: The chairman of the committee very ably explained the general con-

sensus of our report and I'm sure I wouldn't want to belabour it.

This report, being the first one that the Ombudsman brought in—it may be bad in one way and good in another that we learned in a hurry something about the Ombudsman and his operations. When his first major recommendation came in and was not accepted by the Minister of Housing nor by the Premier then, of course, it was laid in the lap of the Legislature and delegated to the committee.

It so happened, from what I can gather, this is about the first time in the world that an Ombudsman has run across a similar situation. As mentioned by the previous speaker, some of us had the opportunity to attend the first world conference of Ombudsmen in Edmonton. Speaking with a number of the Ombudsmen from Sweden, Australia, Quebec, New Brunswick, Alberta, gave us a real opportunity to speak in person with some of these people and find out how they operate.

What was going on in Ontario was quite a surprise to the whole conference and it was seen as trying to break in another new road as to how the operations of the Ombudsman would be carried out. In most cases as far as we can understand, the recommendations in the Ombudsman's report have been accepted by the government, the ministry or whatever the case might be.

We were faced with something on which we had to more or less try and receive as much information as we could and still try to keep it within the realm of a committee of this Legislature. And, as the previous speaker mentioned, we didn't want to get into the adversary system of a court and so forth, because that really isn't the function of a select committee. We didn't have too much opportunity to find that type of information from the World Conference of Ombudsmen because this type of confrontation, I guess you would call it, was more or less something new.

I have a feeling myself—and not to get into the details of it, because I realize that now the resolving of the matter is before a commission. Also other matters left in abeyance are going to the Ombudsman under a different section of the Act, so I don't want to get into the detail of it.

What concerns me is that here we have the first report of the Ombudsman of Ontario and the rejection of it by the ministry. It went its full course around and ended up with the committee. Then the minister was called in and he made a reply to us.

Over the period of our hearings I think he made three major representations, some of them took an hour and a half each—60-page presentations on a couple of occasions.

But what concerns me as a layman, and not as a legal person, is that it seems to me that the first report of the Ombudsman should have been looked at more carefully by the minister, and maybe the items that he brought out to us should have been brought out to the Ombudsman at the time. That's hindsight, of course, but on the other hand I think that in order to try and make the system work maybe we could find some criticism there on how it came about and why it was sent to us. If there had been a little more flexibility on behalf of the minister in taking the report, looking it over and coming back to the Ombudsman with his recommendations or his findings, perhaps the Ombudsman may then have taken a new look at what he had and maybe the problem would have been resolved without coming the full route that it took.

Another thing; with the new Act as we go along maybe we are going to see flaws in the statute. One section of concern to me is section 19(3): The Ombudsman "shall give to that organization or person an opportunity to make representations respecting the adverse report or recommendations, either personally or by counsel."

In looking over the Alberta bill, under their section 26 they say that the Ombudsman must give the department, officer, member, employee, person or group of persons an opportunity to know the nature of the opinion or comment that he's going to make.

I figure that our part of the Act, section 19(3), is maybe not quite fully clarified. There should be more clarification so that anyone's name that may be mentioned in a report of the Ombudsman, whether it may be some report of the way that an individual in some ministry worked—when the Ombudsman may be making an adverse statement as to how he did his work—then he should be notified by the Ombudsman that he's going to bring this into the report. This is, of course, what caused the five people to make representation to the divisional court, because they were making the representation that they were not notified.

Not being trained in legal technicalities, I look at section 19(3) and feel that if the minister was notified, wouldn't in fact all people under his ministry be notified? Well, some of them work under contract and a number are regular civil servants, so to be

fair, I suppose, maybe we should enlarge that section at a future date to see that anyone who may be affected adversely would be notified and have an opportunity to present their side of the story to the Ombudsman before the report comes out. That's an area, I think, we will probably have to consider in the future.

It's been a learning process. I think we're all looking forward to seeing what the commission will find when they go through the number of cases that they have as well as the number of cases that the Ombudsman will be dealing with under oath and in camera. As far as the report and the things in general leading up to the report and the whole realm of the North Pickering project you could talk for an hour or two on how it started and the problems that went along with it. You make a statement in the House, say, that you're going to build a new town someplace and of course, then everything changes around that area.

There are rumours flying; there are reports coming out. Ministers change from one ministry to another and there's no continuity of the same thinking and so forth. This all adds to the whole conundrum of a major project. I don't think this is the time to get into that because our recommendation is that these things be referred to a commission and back to the Ombudsman. I think that should be held at a later date. I'm sure that with the amount of evidence that was presented to the committee by the Minister of Housing on his statements and the Ombudsman and other information that we had access to, it's very interesting. I'm looking forward at a future date to probably going into detail on the whole planning process and the announcement of a major new town near a proposed major airport.

These are all things that I think we should not be discussing at this time because I wouldn't want to in any way jeopardize anything that may go before this commission. I just want to say that I'm happy that we came up with a good arrangement. I think that when the member for Quinte mentioned about the Minister of Housing and the Ombudsman having lunch together, it reminds me of when you have a problem with a constituent in the riding. You may find that by going out to the house and sitting across the kitchen table from him, you resolve more problems or allay fears that he has. Many things may be resolved in that type of atmosphere. I think that's what assisted some in this where the pressure had been on the Ombudsman and the Minister of

Housing. We feel that that, no doubt, helped them to come to an agreement on their differences.

Mr. Godfrey: I can heartily endorse the recommendations of the committee and express confidence in the work of the Ombudsman and others who have participated in this function. I can certainly agree to the urgency with regard to settling the problems associated with the 44 people who have been under considerable duress with regard to financial matters.

However, I am a little concerned at my colleague, and I am sure he will take me in good faith, I am concerned about statements that life is too short to really go deeply into these matters in the select committee. And I express a certain amount of disappointment that we have now been given a hoist to what should have come out at that particular time. Realizing the wisdom of not becoming involved on an individual basis with any of the 44 people who were involved, I think there were other matters in the report which could have been explored more extensively.

Part of this concern is borne out by the fact that on page 10, subsection 2, it points out: "The Ombudsman will re-open the investigation into the merits of the balance of the 44 cases and in all of these cases and any new cases coming before the Ombudsman, the Ombudsman—" and so on. I am concerned there, because there does seem to be slightly different shading and I'm sure it was unintentional on the part of the committee as we already have assurances from the committee that they are very well alerted to what should happen when the Ombudsman does meet these 71 further applicants and others who most likely will appear.

[4:45]

I would call your attention to page 9 where, in setting up the rules for the commission which will act, it says:

All circumstances of each particular case, including but without limitation, any misleading statement, inadequate appraisals or misunderstandings based upon reasonable grounds in the circumstances of the particular case.

Certainly this clause does not limit the Ombudsman from looking into such matters and it is possible that his terms of reference would include those matters but I am concerned that the committee did not see fit to emphasize that in those particular areas. Why am I concerned? Because I do not believe

that consideration of 44 cases will bring out all of the issues which are on hand. If they are brought out it will be in a different light. The 44 people who will appear before the special commission will be those who are seeking money and when one is seeking money, one's motives take on a different implication.

On the other hand, many of the others will come before the commission not seeking money; they will come before it, and I agree to this, to speak to an emotional problem. I agree with the select committee that this was a highly emotional problem and I am glad they realize that. After saying it is emotional it is not sufficient to say, "We will now become legalistic. We will now go about our business and disregard these emotions."

I would remind all of us in this House that the people in this province are emotional people. They have certain beliefs; they have certain faiths, if you like, in equity and in justice. That is why they become emotional, and highly emotional, when it seems that the natural processes of justice are being ignored.

Indeed, I think it will come as a bit of a shock to them to realize that a Supreme Court action is what forced the resolution of this problem. It was a problem that to them was a highly personal problem. It had been investigated by the Ombudsman, with a committee which was thundering along, investigating, etc., then, suddenly, on the appearance of a motion against the Ombudsman, somebody went out to lunch and the problem was solved.

That seems to me a small travesty of the way justice should work. Surely, we should be able to do this without pressure being exerted upon an ombudsman or anybody else to get a resolution to the problem.

My concern, therefore, is that the Ombudsman will continue to pursue aggressively what went on in the North Pickering business because it was an emotional thing. For the first time in the province a large number of people feel, and felt, that they were done badly by and they looked to the Ombudsman and continue to look to him for redress not of money—of justice, of an evaluation of what went on.

The Ombudsman has already referred to that. If I may refer members to his report, on page 90 he points out, "We anticipate that following the course of action that has been recommended will create a substantial increase in the work load of the Land Compensation Board and would recommend" etc. There he's talking about the money thing

and he goes on to talk about, "The actions of the officials and agents of the Ministry of Housing were unreasonable, unjust and oppressive."

I don't think these matters have been addressed by the select committee in the fullness which they deserve. I'm sure when this new action goes forward with the Ombudsman they will have a full hearing but that full hearing must not be based upon the fact that the applicants who come for the hearing are seeking money. I reinforce once again—they are seeking rectification of an ill that was done to them and in being done to them, is being done to the people of this province because it was done by a government agency.

I would point out that the whole North Pickering project created the most terrible air of distrust, a climate of distrust which is still present in that area. When we have citizens who distrust the government, we cannot have good citizen participation.

I would point out that the Ombudsman, in looking at this in the future, aside from the 44 people who want more money, must address himself to correcting that air of distrust. This distrust is founded very largely on very real emotional inner things that go with the people who live in that area. They have distrust because their social community was torn apart, their churches were dismembered. Their communities—Whitevale, Cedar Grove Martin subdivision and others—were shattered and remain in that situation today. You wonder why it is an emotional issue. Yet there has still been no redress made.

For example, hay is stolen—900 acres of hay was stolen from a farmer's barn. What's happened to our community? That could never happen in a farming community at any other time. But when you have a bunch of strangers coming in, who knows what is going on. There is nobody there to protect Bill's property next door when he is away. This is an index of the type of distrust they have because they know their community has been rent asunder and will not be resumed again until they get that trust back in government.

In addition to the social impact which they suffered, there was the utter confusion which attended the whole exercise, the limbo living which 3,000 families were subjected to and the inability to get answers. The Ombudsman has referred to this and has made recommendations that in the future during this type of activity it should be the responsibility of only one person from beginning to end.

But that doesn't help them. They live in that atmosphere of confusion. Two years after the announcement of the annex of understanding—and I would say parenthetically, with regard to the debate earlier today and the Reed matter and the small piece of paper which has been signed, I would point out to you this whole business began, the airport and the North Pickering business on an annex of understanding, a simple document which had no real legal standing; in the same manner the Reed business may devolve to this as well.

It was hung in the official office where information was given out to the citizens. The map showing the area which was to be expropriated or acquired was an RCE map taped to a wall, an Army Survey Establishment map, dated 1964. This was the official document which was presented to people who came into the office and asked for information.

It was not only confusing, it was also once again leading to an air of distrust in the government. I am sure it will come out in the future as one hysterical comedy situation. Somebody phoned the Premier's office and asked who was in charge and then was passed successively through a series of ministers who said: "Oh, Mr. White is in charge," or "Mr. so and so is in charge." Nobody really knew, on several occasions, who was really in charge of the North Pickering development.

All of these things that happened were as a result of big government—and it is a big government, a tremendous government—involved with these small people. Indeed, that air of distrust that has come about is largely on the basis of the big government not having sufficient sensitivity.

I would hope truly that in future the Ombudsman will look at the misrepresentation to people. He has already referred to it in his documents. On page 90 he pointed out:

We have concluded that undue pressure, the scare tactics and resort to like devices in dealing with owners, many of whom are unsophisticated in such matters, would have left the agents of the project open to criticism even if they were acting for private developers.

I hope that we talk about that when we talk about other than 44 people who feel they want more money. I hope the Ombudsman will investigate to the fullest extent when those people, who have no motive other than justice, come before him.

In addition to misrepresentation to people, there were also misrepresentations to groups—the People or Planes group, the Whitevale citizens group, the Christian group in that particular area. Although they sat down with the government they were never given the exact truth of what was going on. I don't think the government was trying to be sinister about this. I think it was simply because the government itself didn't know what would be the next step. On several occasions they were told the expropriation notices would be going out within the day, within the week or what have you; and these never did appear until some two years later.

Indeed, one of the things that caused much of the distrust by the citizens were the so-called Citizen Participation Groups for which we paid some \$60,000 of tax money. These Citizen Participation Groups were set up in order to get the people together so they could discuss the future in the North Pickering development. It was somewhat akin to inviting you to a meeting to say do you want to be drawn or quartered? That was about the choice they had.

These citizen participation groups cause more distress on the part of the people there, because they did not feel that they were being run in the best possible interest of the people in the community. Indeed they were part of a deliberate selling campaign on the part of the government to do that.

Now all of these things are intangible. You can talk about dollars and you can say a house is worth a certain amount of money, but I earnestly plead—and I fault the select committee for not looking at this more deeply—that any further investigation into this look into this matter. You cannot redress people with money for insult in the past; but you can ensure, by setting up a proper framework, that it will never happen again.

I'm delighted to hear that the North Pickering project has been an object lesson. It's been a lesson for this government. I would like to hear a little bit of sympathy offered to the people who were the unwitting models for this edification of ourselves. Thank you.

Mr. Grossman: Mr. Speaker, I may not be able to keep my mind on my remarks. I can't help it, sitting here behind such divergent people as the member for Prince Edward-Lennox (Mr. Taylor), with his friend the member for Cornwall (Mr. Samis)—their differing philosophies, if not their hairlines, are distracting me.

Interjections.

Mr. Grossman: If I speak long enough it may encourage him to stay. Even I can't speak that long.

I did want to address a few remarks on the subject of the North Pickering report. I will get a copy of Hansard for today to enshrine somewhere in my office the remarks of the member for Durham West (Mr. Godfrey) about big government and all the problems were caused by big government. I think I'll be reading them back to him on several occasions later.

But I did want to deal with one of his remarks and that is that he's sorry the committee did not deal more directly—and forgive me for not paraphrasing him not quite exactly—with some of the emotional and other problems from the people in North Pickering. I think it's fair to say that all the members of our committee well understood that money could not assuage all the problems and emotional upsets which very many of the people there may well have suffered. But that wasn't really what the select committee on the Ombudsman was all about.

We still have some long sessions ahead of us to determine exactly the procedures to be followed on these reports. What are we really about? Are we to follow the mode which is generally followed, I think in England, of acting more as a public accounts committee would operate, and that is to assess the recommendation of the Ombudsman, assess the reaction of the government, and comment upon those reactions as to whether the government has offered up a sufficiently acceptable explanation for not following the recommendations of the Ombudsman.

These are problems that still lie ahead of the committee. But I think it would be a little unjust to the members of our committee to suggest that we were not exhibiting any empathy or an understanding of the problem involved. Indeed, it was really the intense desire of all the members of the committee to see that justice was done in North Pickering, notwithstanding what was termed the "battle of the giants", notwithstanding the reputations, or whatever, of the persons involved directly, being the Ombudsman and the Minister of Housing, to provide that justice to the landowners and former landowners of North Pickering. It caused us to get as deeply involved as we did and to meet as often and as regularly as we did and deal so intensely with the problems and not to gloss over any of the problems as they arose.

[5:00]

None of us, even we lawyers on the committee, wanted to get involved in some of the legal gyrations that developed. But we all felt a deep obligation to see that those matters were adequately dealt with and fairly dealt with in that very open and very public forum, so that none of the landowners, those present in the room and those not present in the room, could go away saying that we had advertently or inadvertently let any hint of legal or legislative injustice abound. As time developed, because of our determination to see that this didn't happen, we got deeper and deeper into some of these legal problems but I think all of that led toward a determination to be consistent with our earlier decision not to get into a one-on-one. It led us down the path in any event toward having a properly constituted set of judicial persons or judicial-like persons deal with the problems under oath and with proper legal protections to see that justice was done to those persons who are entitled to more money, who are entitled to be compensated as of a different date from the one on which they decided to sell. I think the members of the committee are satisfied that justice in that sense will be done.

I have been concerned as things have developed since the termination of the committee and indeed right up to the present when the chairman of the committee—who, by the way, did a very very capable and excellent job of handling the committee notwithstanding the fact that his absence on one of the key mornings was either a coincidence or a catalyst; we haven't decided which—the chairman, the member for Riverdale (Mr. Renwick), did comment that the catalyst was the law suit launched by Mr. Sopinka.

That may have been a catalyst in the minds of some of the members of the committee, some members of the public and press, and may have been a reason for the Ombudsman and/or the Minister of Housing suddenly deciding to move toward some reconciliation of their differences. I felt badly about that because it has never been my opinion that the external intervention of that law suit did anything but move up the ultimate determination of the committee to have the thing eventually go to a judicial inquiry. That is, of course, my own personal judgment, my own personal feeling, as the thing developed.

I think my feeling developed that that was what was going to happen because the more we were there, the more we got into matters relating to what happened in the offices of the North Pickering project. The

next step was going to be what happened—what the negotiators said and what happened in the homes of North Pickering. That would invite us to get into the one-on-one which we so earnestly sought to avoid.

I could see a situation developing, particularly in view of the substantial briefs submitted by both the Ombudsman and the Minister of Housing, in which we were eventually going to say, "There's a pretty large doubt raised both ways and we had better let persons who are properly constituted deal with the one-on-one situation."

That is, as I say, my own personal guess as to where the committee was headed in any event. I did feel that a close reading of the transcripts would indicate that at least on the face of the transcripts, while the Sopinka motion certainly played a role in determining which cases went where and it certainly played a role in moving up or shortening the deliberations of the committee, I am really quite unhappy at the thought that the public or landowners in North Pickering—for whom we have gone to great lengths to find a very special remedy—would feel that ultimately it took a law suit launched externally to pressure the Ombudsman and the Minister of Housing finally to say, "Let's get down to providing some justice and immediate justice for the residents of North Pickering."

I didn't sense that at the committee, I felt that at the particular stage at which the committee had arrived there were a lot of questions being asked and a lot of difficulties being raised on both sides. We were getting very much involved in the timing of the minister's reactions and what role that played. We were getting very much involved in the question of notice under section 19 (3) of The Ombudsman Act. These things were playing a very important role, it seems to me, and as the days went on the questions continued to build up and build up. The more questions that were created, the more questions we had in our minds, the larger our task became and the more we were invited to get into that one-on-one. I sensed, as I sat there, that we were approaching the time, at which Messrs. Rhodes and Maloney were going to say, "We've got to find some way to get out of this jackpot. We've got to find some way to have justice determined on a one-on-one situation by persons other than a select committee of the Legislature." It was my feeling, in any event, that that day was close at hand.

I would have hoped that the parties involved could have reached that determina-

tion prior to the launching of the lawsuit by Sopinka, because I do think that all persons involved have been put in a somewhat bad light by the fact, in the public appearance, that it was the Sopinka motion that finally jerked everyone into action.

As I say, I can't speak for the Ombudsman or the Minister of Housing in saying that was or was not the catalyst. I just wanted to get on record in this House my feeling with regard to where the committee was going and the committee's very fervent desire to see that those in North Pickering who were and are entitled to more money and adequate compensation do, in fact, get that compensation.

I don't think anyone could suggest that there was anyone sitting around that table, including all the parties and all the members of the committee, who was there to do anything but see that justice was arrived at for those residents in as quick and reasonable and fair a fashion as possible. I think that would have developed regardless of what John Sopinka or anyone else did in the courts quite outside of this Legislature.

I did want to say that I think the members of the Legislature should be aware that the committee did discuss inviting the members to communicate individually with the committee on the blueprint and the annual report of the office of the Ombudsman. I think it's important that the members of the assembly should be aware as early as possible that the committee, very unanimously, is intending to invite all the members to communicate with the committee to let us know their thoughts after this first year of operation of the Ombudsman's office, so that we know what the members of the assembly feel about the operation, particularly about the blueprint for the operation of the office, as it comes down the pipe in the next few weeks, and the first annual report, because it has been very much of a learning process. I sincerely hope all members will apply their minds to the subject over the next few weeks so that a meaningful contribution can be made by as many members as possible to this very difficult task.

One thing that the chairman of the committee, the member for Riverdale, and myself did learn overseas when we were speaking with the persons involved in the Parliamentary Commissioner's office in Great Britain was that the operation of the Ombudsman's office in Ontario and our select committee was quite unique and was being looked to by Ombudsman's offices throughout the world as

a new and different type of operation in all respects.

I think it's fair to say that one of the things that the members of the committee who were in Edmonton reported back to our committee was that the appointment of our Ombudsman here, the Act, the operations of his office and the operation of the select committee in Ontario were looked upon as a very signal movement in the whole concept of the Ombudsman's office.

Therefore, we should understand, all of us, that we really do not have enough precedents to look to and no precedent that is as binding and as easy to grasp and look to as we would like to in every circumstance that may develop over the next period of time. I say that in spite of the fact that the chairman of the committee has a very effective habit of looking to his own precedent; but, outside of that, we don't have very many or enough precedents from the operation of Ombudsmen committees or Ombudsmen throughout the world to make our task very easy.

I'm happy to say that the committee worked well together and showed some determination to work together to assist this very difficult process as well as a willingness to remain together over the next period of time. Some of us are also very confident that the member for Riverdale will be able to continue in his capacity as chairman of the committee after the next election.

Finally, I must say that I'm concerned about the idea that the committee might have been consulted in the appointment of the committee. I think that is perhaps taking a too active interpretation of the role of the committee.

I have felt, as members of the committee will know, that we ought to, as much as possible, stand back and attempt to take an overview of the process as it's developed, the report as it came down to us, the reaction of the government as it comes to us, and try and develop through whatever modes possible, whatever witnesses we have, whatever sources we can glean from, try and develop some sense regarding the appropriate action to be taken. And this is not inconsistent with the memorandum of agreement, or disagreement, reached between the Ombudsman and the Premier (Mr. Davis) prior to our deliberations.

My tendency is always to have the committee take an overview and draw some conclusions with regard to the propriety of the action on both sides, and not to get involved in the day to day administration, the day to

day remedies, the exact ways in which the difficulties pointed out by the Ombudsman ought to be corrected and the wrongs righted. Rather, a comment—a recommendation to the assembly that the recommendation of the Ombudsman is an appropriate one, and the remedy seems to be appropriate or that the remedies ought to be altered or changed in accordance with some of the recommendations made by the governmental authorities; but not that we should get involved in some of the very difficult decisions to be made in the implementation of those recommendations.

Having said that, may I say that the committee went through very many difficult days—which is no secret to any member of the committee or the House or the public for that matter, but I think it was well struck in terms of membership and if, as and when the criteria of the committee are adjusted and our full authority worked out, I think that this committee will and can make a very substantial and important contribution to the operation of the Ombudsman's office, and to the input that this assembly ought to and can have and must have into the process, to be sure that justice is provided to all persons affected, notwithstanding any personalities which may become involved at any particular time along the line. Thank you, Mr. Speaker.

Mr. Acting Speaker: Does any other hon. member wish to take part in this debate?

On motion by Hon. Mr. Welch the item was discharged from the order paper.

BUDGET DEBATE

(continued)

Resumption of the adjourned debate on the amendment to the motion that this House approves in general the budgetary policy of the government.

Mr. Burr: Mr. Speaker, I have several questions I should like to put to the Minister of Agriculture and Food (Mr. W. Newman), but as all members know the chances of doing this during question period are becoming less.

When I first entered the Legislature we had a five-hour question period a week, one hour a day for five days; now, as you realize, we have three-quarters of an hour for four days. The question period has shrunk from five hours a week to three hours a week. So I think the best chance of getting some answers to my questions on

certain matters lie in my describing them very briefly to the House now and drawing the Minister of Agriculture and Food's attention to them afterwards.

The Ontario Veterinary Association has many concerns about veterinary practice in Ontario, and many months ago Dr. E. H. Bottrell was given the task of inquiring into the delivery of animal health services in Ontario. Question one for the minister is, of course, when will this report be made public? The veterinarians are distressed about the huge amounts of milk that have had to be destroyed over the past few years simply because of overdoses of penicillin and other antibiotics. So question two: How much has been destroyed and what was its value during each of the last five years?

[5:15]

They are concerned also about the medical problem for humans caused by the use of antibiotics in animals that have eaten commercial food mixes. Some humans now cannot eat meat, at least certain varieties of meat, because they are allergic to the antibiotics that are left in the animals in sufficient quantities to have adverse effects on some people. One man, of whom I heard recently, becomes swollen if he dares to eat a certain kind of meat.

So, question three: What research is being done on this aspect of feeding animals?

The vets are concerned also about the large number of food animals lost annually to our food supply because of inadequate preventive care.

So, question four: Has the minister looked at the Manitoba system of delivering animal health care, a system which to all accounts is proving satisfactory to farmers, vets, consumers and the government?

The vets are concerned about the milk losses resulting from clinical and sub-clinical mastitis.

Question five: How great have been the financial losses resulting from mastitis during the last few years?

Question six arises out of these previous questions: What is the ministry doing in preventive care for our food producing animals?

There are many other aspects of the delivery of animal health services that are of concern to the Ontario Veterinary Association, but they are hoping that Dr. Bottrell's inquiry will bring forth many worthwhile recommendations. But they are becoming weary and increasingly frustrated by the absence of the publication of his report.

As a PS may I add that on Tuesday evening I urged the government to consider raising the driving age from 16 to 17 or perhaps to 18. Since then I have been told that in the United Kingdom and in South Africa, 18 is the lowest age at which a motorist may legally drive a motor vehicle.

That is all I wish to put on the record at this time.

Mr. Edighoffer: I'm pleased to be able to participate to some extent in this budget debate. I'd like to say, first of all, that I would like to thank Mr. Speaker again during this session for allowing me to put the excellent brochures from the Stratford Festival on the members' desks. I know many of them have attended during the year and enjoyed it very much.

An hon. member: Right, great place.

Hon. Mr. Welch: I must say, next to the Shaw Festival, it is top-notch.

Mr. Edighoffer: It's okay is it? However, there was one time during the festival season, which has now been completed—by the way, it was the 24th season—we did have one sad time during the whole season and that happened on October 9, not too long ago. As many members are probably aware, the festival continues on into the fall season and, of course, plays to audiences made up of many students from all over Ontario and the United States. On October 9 they happened to have the Minister of Education (Mr. Wells) in attendance in preparation to give a lifetime pass to the millionth student who attended the Stratford Festival during these special student performances.

However, this student was picked out. He actually came from the Howe Military Academy in Indiana and they were very busily checking off the number of students as they came through. I am sorry to say that when he was drawn from the line going into the theatre and was taken over toward Mr. Wells, the local newspaper said "As he was pulled in the direction of Mr. Wells, Bill Bond's head hung low. It looked as if he was being led away by the police." I am sorry to say we did have that one sad day at the festival.

However, the Minister of Education was there. I am happy to say that next year will be the 25th season of the festival and we look forward to it being given again a tremendous season and, of course, again adding to the great tourist business which we in Ontario enjoy.

It has been a long time since the budget was brought down by the Treasurer (Mr. McKeough)—in fact, it was April 6. It seems a very long time ago and I presume a lot of bucks have gone through the provincial till. I have received two interim reports on revised budgets and I believe in the September 30 report the Treasurer stated that the 1976 budget remained on target with net cash requirements only \$7 million above the original budget plan. Of course, included in the revised budget we expect another \$20 million from the provincial lottery which was not in the original budget so I might say that probably we are going to find that our budgetary deficit is larger than predicted on April 6. I feel I have to put in the record again the first two paragraphs of the budget speech given by the then Liberal critic. It went like this:

I could not help but admire the Treasurer's presentation of the provincial budget just over a week ago. His self-assurance, the slick presentation of the so-called facts, the smug satisfaction at the reduction of the deficit, the proud statement that no public borrowing would be required, all were quite impressive. As a theatrical performance, it was well done indeed. Unfortunately, for the people of this province, the Treasurer is a much better actor than he is a producer. This new budget is obviously and specifically designed to conceal more than it reveals.

Mr. Ruston: Who said that; the member for London North (Mr. Shore)?

Mr. Edighoffer: To continue:

It is a masterly presentation of warped statistics and semantics, woven together with the competent skill of a professional con artist. Had the Treasurer and his officials spent their time and effort in sincerely attempting to exercise some degree of financial responsibility, the people of this province would have been much better served.

Those are the first two paragraphs and I thought it might not—

Mr. Ruston: The member for London North.

Mr. Edighoffer: —hurt to put that on the record again.

Hon. B. Stephenson: He was suffering undue influence from his cohorts across the way.

Mr. Good: He didn't really mean it.

Mr. Ruston: I notice they didn't put him right behind the Treasurer. They left him over a little way.

Mr. Acting Speaker: Order, please. Please allow the hon. member for Perth to continue.

Mr. Edighoffer: Thank you. I thought it would be appropriate to remind the House

again that those were the words spoken by the member for London North. In the same municipality, a writer in the London Free Press wrote: "This year's Ontario budget is such a marvellous piece of political magic that one is left wondering how the Treasurer did it."

On May 26, the Treasurer spoke to the Trust Companies' Association and said:

We took it as a high priority to turn our budgetary position around this year. The government of Ontario reduced its budgetary deficit from \$1.6 billion in 1975-76 to less than \$1 billion for 1976-77. That is the kind of progress recognized by everyone.

This is really how I think a magician works. He pulls out figures where he wants to use them for his own benefit. If you look back at his budget presentation in 1975 you see that the budgetary deficit expected was \$1.2 billion and the net cash requirement was \$1.6 billion. Then his 1976 budget called for a budgetary deficit of \$997 million and net cash requirement of \$1.2 billion. So you see how the Treasurer can rearrange the budgetary deficit and the net cash requirement for his benefit so that the difference doesn't look as great as it really is.

Mr. Ruston: That's cooking the books isn't it?

Mr. Good: He makes Aberhart and his funny-money books during the 1930s look like an amateur.

Mr. Edighoffer: I would say, Mr. Speaker, that his revised budgetary deficit after six months has increased \$87 million to over a billion. I look forward to the time when the people of Ontario are handed approximately a \$1.5 billion budgetary deficit at the end of the fiscal year. Goodness knows what the net cash requirement will be.

Mr. Speaker, it's an alarming budget. The first thing the Treasurer said was that the first element in his 1976 fiscal plan is control of spending. Then he said very specifically, to complement expenditure control the second element in any 1976 fiscal plan is to increase taxes in order to reduce the province's cash requirement. So today his spending has increased and the net cash requirement has also increased.

The riding of Perth is, I would say, very similar to all other areas in Ontario. The local tax bills have increased considerably.

Mr. Ruston: The only difference is they give their member a 10,000 majority.

Mr. Edighoffer: Well, that's a good difference.

Mr. Ruston: I wish I had that many votes, period.

Mr. Edighoffer: I receive many complaints from municipal officials about the conditional grants from the province. They leave very little elbow room for local councils to press ahead with their priorities.

The Treasurer did, however, announce in his budget a proposal to establish a committee of provincial and local officials to study the scope for deconditionalization and simplification of provincial grants. I certainly am one that would urge the Treasurer to press on and make changes as quickly as possible. More unconditional grants would allow greater freedom for locally elected people to use the tax money more carefully locally.

There are many things I would like to speak on. As I said before I work very closely with my constituents, and this year I have received more mail pertaining to government waste than ever before. In fact, a number of my constituents were appalled at the waste of money in placing tropical plants in the Ministry of Transportation and Communications building in London. I know that this was discussed during the Ministry of Government Services' estimates but as chairman I wasn't really able to make any comments—so I thought this might be an appropriate time.

[5:30]

Because of the many letters I received from my constituents I thought I should look a little deeper into the reason for purchasing 429 plants at a cost of \$19,000—then on top of that to give a two year contract for \$10,061 to maintain the plants. In fact I went a little further and I obtained the great 15 page document which outlines the specifications for the Ministry of Government Services office building in London which has to do with the maintenance of the interior plants. As I went through I noticed it certainly got down to the nitty-gritty so that the person who received the contract certainly would know what had to be done to maintain those tropical plants.

For instance in this document it takes it right down to the nitty-gritty and it tells them exactly how plants should be watered and how they should be turned around to the light. In fact, I'd like to read one or two of the items which outline the schedule of services. It says here:

Plants should be checked once every week for need of water and general condition. The entire growing medium shall be kept moist but not wet. Growing medium shall be checked for each plant individually as to the need of additional water. Detect the need of water by feeling the soil and running the fingers down into the soil. If no moisture can be felt one inch down in the soil additional water is required. Use only lukewarm water.

Hon. Mr. Taylor: Use rainwater.

Mr. Edighoffer: And I could go on and on.

Mr. Ruston: Oh go on, we want to hear that. How to look after our plants.

Mr. Edighoffer: The other area states that for that \$10,000 over two years for looking after these plants, you must make certain that all foliage plants must be turned on their axis about 15 or 25 degrees—

Hon. Mr. Taylor: Turned on their what?

Hon. B. Stephenson: Axis he said.

Mr. Edighoffer: —preferably every week if possible. But if they are in square planters, a full 90 degree turn will be required.

I won't go on and on but I feel this is a ridiculous waste of government expenditure. I see no reason why, if plants are needed in such a building, the maintenance staff can't do the work without having it done by special contract.

Hon. Mr. Rhodes: That's enough of that, Mr. Speaker.

Mr. Breithaupt: \$10,000 worth.

Mr. Edighoffer: The opening paragraph of the budget ended by stating that the government would set an example for others to follow in the fight against inflation.

Mr. Ruston: Running a bigger deficit every year.

Mr. Edighoffer: I have mentioned it in this House before and I have to mention it again because I feel the government is fueling inflation in the area of land prices.

In 1966 the government purchased 9.2 acres of land in the northwest corner of Stratford for approximately \$25,000. This was purchased from the board of education as a site for a future teachers' college. I know that priorities for teachers colleges have changed in the last few years. But included in that purchase was an easement on a half

an acre of land adjoining the 9.2 acres, so that there would be adequate access from the original 9.2 acres.

This property has remained vacant since it was purchased in 1966. In April, 1974, the government appraised it at \$192,000. In December, 1975 the government appraised it at \$270,000. In early 1975 they offered the property to the municipality for the figure of \$270,000, which of course the municipality turned down.

Mr. Ruston: They paid \$25,000 for it.

Mr. Edighoffer: During the election campaign last fall, a ministry official made a trip to Stratford—in a big black limousine, I am told—and agreed to sell the easement—

Hon. Mr. Taylor: Was that your leader?

Mr. Edighoffer: No, that was not my leader. I said it was a ministry official from the Ministry of Government Services. He agreed at that time to sell the easement to the board of education for \$1. My Conservative opponent immediately issued a press release and said that he had contacted the Minister of Government Services, who is now the Minister of Transportation and Communications (Mr. Snow), and that negotiations certainly would be speeded up so that they could buy back the easement which, by the way, was included in the original purchase.

I have now learned that on April 1, 1976, seven months later, after visits, telephone calls and letters, the papers have finally been signed and the board of education bought back the easement for \$1. What this really means is that the government wants to receive, not \$270,000 but \$270,001, in return for a \$24,500 purchase, which was completed because it was to be used for an educational facility. I would urge the Minister of Government Services (Mrs. Scrivener), if she believes in setting an example for others to follow in fighting inflation, to sell the land back to the board at the cost plus reasonable interest. That makes sense, doesn't it?

Mr. Kerrio: But it has nothing to do with the way the government operates.

Hon. Mr. Rhodes: You old sewer digger, don't sit over there making trouble.

Mr. Edighoffer: I would like to refer briefly to another problem in my area. The county of Perth, I have to say, is one of the best agricultural areas in Ontario.

Mr. Kerrio: John is not here.

Hon. Mr. Rhodes: He will be.

Mr. Edighoffer: We do have small areas spotted throughout the countryside that are unworkable and could be used for housing. Our land division committee has been working well, with the help of the local Agriculture and Food office and the agricultural engineer there. Now the Minister of Agriculture and Food says that the local staff cannot participate and offer advice to the local land division committee. I believe this was sent out in a press release by the Minister of Agriculture and Food; I don't have it handy here, but I believe it was some time in April. From what I understand, the Minister of Agriculture and Food wants to set up a number of regional offices where these land severances would have to go to be reviewed by a representative of the Minister of Agriculture and Food. I understand the one in our area possibly may be set up in London, so that representative would serve 10 counties.

Mr. Good: Centralize; that's the policy.

Mr. Edighoffer: I simply say to the Minister of Agriculture and Food that I certainly hope that he changes his mind and that he doesn't regionalize this service, because it's working well now. I know that the Perth county council wrote to the minister in May and presented him with this resolution, which stated very briefly:

That Perth county council go on record as being opposed to the decision of the Minister of Agriculture and Food to eliminate the land severance review function from the local agricultural offices and recommend to the minister that this function continue to be carried out by local staff in Stratford, who are familiar with the county.

That is certainly a very brief, concise, constructive resolution—

Hon. Mr. Rhodes: Inaccurate.

Mr. Edighoffer: —and I hope that the Minister of Agriculture and Food will act in agreement with that resolution.

Hon. Mr. Taylor: You will find him as co-operative as ever.

Mr. Edighoffer: I am glad to hear the Minister of Community and Social Services say that they will be most happy to co-

operate with such a great council as the Perth county council.

Mr. Speaker—I feel more comfortable this way. I'd like to make a comment or two about the increase in health premiums and health costs because I receive a great number of requests from constituents to assist in their premium billings or their claims. This seems to have increased in the last number of years. I would think as OHIP became more organized, more fitted into the system, that this would not have happened but the work load seems to have increased tremendously.

[I feel, Mr. Speaker, that the identification system and procedure which we have now should be changed to a credit card style system. If this was done at the same time the patient or person receiving the service could use the card the same as he'd use any other credit card and he should be requested to sign for the service and receive information as to what the service is costing.

To me, the government to date has developed a system for health services which shows a total cost at budget time but does not in any way educate or notify the patient as to what his or her benefits may be. In most cases, the only time a person realizes the amount of the bill is if the contract has lapsed. If the individual signed, he or she would know the cost and make duplication of billings impossible.

Also on health care costs and health care generally, I would have to bring to your attention, Mr. Speaker, that one of my municipalities has been trying for a number of years to design and develop a community health centre which would not only serve as a medical clinic but serve as a preventive health care centre. We've tried to work with the Ministry of Health for a number of years but have been unable to receive any financial support. I'd like to make a suggestion—and I'm sorry that the Minister of Health (Mr. F. S. Miller) and the Minister of Culture and Recreation (Mr. Welch) aren't here at the present time, but I'd like to suggest that there seems to be many millions of dollars in the Wintario fund and I think it would be most helpful and beneficial to the people of Ontario and the health care system if the Minister of Health were to explore the possibility, along with the Minister of Culture and Recreation, of using some of those funds to support community health centres that

would also be a centre that would promote physical fitness. As I say, I'm sorry the ministers aren't here but I'm sure they'll read my remarks in Hansard and, no doubt—

Mr. Maeck: And act upon them immediately.

Mr. Edighoffer: —there will be such grants available.

In conclusion, I would like to remind the Treasurer that as he ended his budget speech he said:

It is imperative that governments reduce their borrowing as well as their spending. Governments cannot live on credit indefinitely any more than families can.

Hon. Mr. Rhodes: Right on, as Pierre Trudeau once said.

Mr. Edighoffer: It was also clearly stated in the editorial page of the Stratford Beacon-Herald on Thursday, April 8—that's an excellent paper. Actually it wrote the minister up very well as he was speaking to the last provincial Conservative annual meeting.

Mr. Kerrio: Hypnosis! That's hypnosis.

Hon. Mr. Rhodes: Don't you have them in your democratic organization?

Mr. Edighoffer: Oh yes, we have them.

Mr. Breithaupt: We just don't let a few years go by in between.

[5:45]

Mr. Edighoffer: So, in closing, Mr. Speaker, I would like to read the first line from that editorial which says:

There was a time when a balanced budget was looked upon as a political virtue, one that would be appreciated by voters when the next election rolled around. It's time some hard budgeting is done to gain the confidence of the tax paying people of Ontario.

Mr. Speaker: I think there's an agreement that rather than embark on another presentation before the dinner hour, I should recognize the clock. I do now leave the chair and we will resume at 8. At 8 o'clock, the hon. member for Timiskaming (Mr. Bain), I believe, will lead off.

[The House recessed at 5:46 p.m.]

APPENDIX

(See page 4205.)

Answers to questions were tabled as follows:

75. Mr. Angus—Inquiry of the ministry: Would each ministry advise whether they use the accounting system called commitment accounting or whether they use a system of recording actual expenditures.

Answer by the Treasurer and Minister of Economics and Intergovernmental Affairs.

The recording of actual expenditures and accounting for commitments are not mutually exclusive.

Since money is allotted to ministry programmes by vote of the Legislature, all basic recording and consolidated public reporting is on the basis of cash transactions as a record of stewardship and accountability for the moneys so granted. At the same time, ministries generally employ within their own internal financial information systems an appropriate accounting for commitments. This additional information allows them to monitor and control their expenditure against budget allocations and to keep track of uncommitted funds.

The degree of formalizing this additional commitment information into their records varies according to the nature of the ministry programmes and the requirements of the programme managers.

117. Mr. Cassidy—Inquiry of the ministry: 1. How many students are studying in Ontario at the grade 13 level: (a) in public secondary schools; (b) in non-public secondary schools; (c) in qualifying year courses at universities. 2. What is the amount of federal funding for which Ontario is eligible for students in each of these categories. 3. How much federal funding does Ontario actually receive for students in each of these categories. 4. If some funds are available from the federal government, but not applied for or received by Ontario, what is the reason.

Answer by the Minister of Education.

1. Grade 13 student enrolment data based on 1974 statistics: (a) Public secondary schools, 51,074; (b) non-public secondary schools, 5,322; (c) qualifying year courses at universities—fall 1974–904.

2. Federal funds available to Ontario: Under Part VI of The Federal Provincial Fiscal Arrangements Act, the federal government provides a fiscal transfer equal to 50 per cent of Ontario's operating expenditures on post-secondary education. Operating expenditures are broadly defined, but exclude certain items such as the capital costs of land and buildings, rent, and furniture and equipment.

In Ontario, shareable expenditures are calculated each year by the appropriate authorities, and a combined submission is made by the Treasurer of Ontario to the federal government. Federal reimbursements are made in the current year, based on an interim submission, and a reconciliation is made several years later following a federal audit of the province's final claim.

As the policy of the government of Ontario is that public funds should not be used for the support of private schools, provincial submissions do not include the expenditures that the private schools make relating to students in grade 13. The potential recovery on behalf of these students is unknown because the province does not monitor the cost experience of the private schools.

In 1972, The Fiscal Arrangements Act was amended, and a 15 per cent growth ceiling was imposed on the federal government's contribution to all provinces combined. Since 1974, this has resulted in Ontario recovering less than 50 per cent of its eligible operating expenditures.

3. Recoveries from Canada: For 1974, the last year for which complete data is available, Ontario received \$41,551,388 on the basis of cost calculations related to grade 13 students enrolled in public secondary schools.

As explained above, no funds were received that related to grade 13 pupils enrolled in private schools.

The recoveries made from Canada related to students enrolled in qualifying year courses at the universities are not available as the universities provide total figures which do not

identify the costs attributable to these students as opposed to students enrolled in other courses.

4. Funds not applied for by Ontario: As indicated in the reply to question 2, Ontario does not claim expenditures made on behalf of the grade 13 students enrolled in private schools. It should be noted, in any case, that claiming these expenditures at this time would not increase provincial recoveries because of the federal ceiling which is in effect.

119. Mr. Cunningham—Inquiry of the ministry: Will the Minister of Industry and Tourism, as promised in the House, reply to questions previously asked concerning impropriety in the province's advertising in the ethnic press of this province.

Answer by the Minister of Industry and Tourism.

On May 13, 1976, as recorded in Hansard No. 57, page 2232, Mr. Cunningham asked the following question to which the Minister of Industry and Tourism agreed to reply:

Mr. Cunningham: Would the minister be inclined to tell us, or investigate and report to the House, whether or not this individual and his franchised advertising agency are recognized by the advertising industry in the province of Ontario?

Hon. Mr. Bennett: Yes, I will, Mr. Speaker.

This matter was duly investigated and records of agency registration were obtained which attested that Mr. Frank Kowalski, president of Canadian Foreign Language Services Limited, has for 20 years been carrying on several service businesses allied with the advertising industry and the ethnic press of this province. The following companies were registered by Mr. Kowalski:

Lingua Ad Services; registry office, Toronto; date of registration, April 9, 1956.

Ethnic Public Relations; registry office, Toronto; date of registration, April 14, 1966.

CONTENTS

Thursday, October 28, 1976

Ontario legislative interns	4179
Courts administration, statement by Mr. McMurtry.....	4179
Energy conservation, statement by Mr. Timbrell.....	4180
French-language health services, statement by Mr. Miller.....	4183
Current salary negotiations, statement by Mr. Auld.....	4184
Automobile insurance, statement by Mr. Handleman.....	4184
Reed Paper, statement by Mr. Davis.....	4184
Point of order re Reed Paper debate, Mr. Deans.....	4188
Dundas PUC inquiry, statement by Mr. McKeough.....	4188
Point of privilege re remark by Attorney General re Bluestein affair, Mr. Singer.....	4188
Reed Paper, questions of Mr. Davis: Mr. Lewis, Mr. Singer, Mr. Reid.....	4190
Reed Paper, questions of Mr. Bernier: Mr. Lewis, Mr. Reid.....	4192
Radioactivity at Elliot Lake, questions of Mr. F. S. Miller: Mr. Lewis, Mr. Moffatt.....	4193
Reed Paper, questions of Mr. Bernier: Mr. S. Smith, Mr. Singer, Mr. Renwick, Mr. Lewis.....	4194
Hydro rates, question of Mr. Timbrell: Mr. S. Smith.....	4195
Liquid waste disposal, questions of Mr. Kerr: Mr. S. Smith, Mr. Lewis, Mr. Nixon, Mr. Gaunt, Mr. Godfrey.....	4195
Freeze on nursing home beds, question of Mr. F. S. Miller: Mr. S. Smith.....	4198
Browndale operations, question of Mr. F. S. Miller: Mr. S. Smith.....	4198
Sintering plant exposure criteria, question of B. Stephenson: Mr. Mackenzie.....	4199
Milk production, questions of Mr. W. Newman: Mr. Gaunt, Mr. Riddell.....	4199
Home care grants, question of Mr. F. S. Miller: Ms. Sandeman.....	4199
Ottawa-Careton detention centre, question of Mr. J. R. Smith: Mr. Roy.....	4200
Automobile insurance, question of Mr. Handleman: Mr. Reid.....	4200
Presenting petition by committee of Secondary School Teachers' Federation, Mr. Germa.....	4201
Reports, Universities Capital Aid Corporation, Education Capital Aid Corporation, Municipal Improvement Corporation, Public Service Superannuation Fund, Public Service Superannuation Adjustment Fund, Mr. McKeough.....	4201
Reports, Queen's University, Wilfrid Laurier University, Huron College, Ryerson Poly- technical Institute, Mr. Parrott.....	4201
Reports, Ministry of Energy, Energy Board, Mr. Timbrell.....	4201
Report, second survey of rental markets, Mr. Rhodes.....	4201
Reports, select committee on highway transportation of goods, Mr. Gregory.....	4201

Report, statutory powers procedure rules committee, Mr. McMurtry.....	4202
Motion that Treasurer be authorized to make certain payments pending voting of supply, Mr. McKeough, agreed to	4202
Municipal Amendment Act, Mr. McKeough, first reading	4203
Regional Municipalities Amendment Act, Mr. McKeough, first reading.....	4204
District Municipality of Muskoka Amendment Act, Mr. McKeough, first reading.....	4204
Municipality of Metropolitan Toronto Amendment Act, Mr. McKeough, first reading...	4204
Municipality of Shuniah Amendment Act, Mr. McKeough, first reading.....	4204
Insurance Amendment Act, Mr. Handleman, first reading.....	4204
Motor Vehicle Accident Claims Amendment Act, Mr. Handleman, first reading.....	4204
Regional Municipality of Hamilton-Wentworth Amendment Act, Mr. Cunningham, first reading	4205
Uniform Time Act, Mr. Cassidy, first reading	4205
Advertising and Selling of Perishable Staples, Mr. Grossman, first reading.....	4205
Tabling answers to questions 75, 117 and 119 on order paper, Mr. Welch.....	4205
Re Ombudsman select committee report, Mr. Renwick, Mr. Ruston, Mr. Godfrey, Mr. Grossman	4205
Budget debate, continued, Mr. Burr, Mr. Edighoffer.....	4216
Recess	4221
Appendix, answers to questions on order paper.....	4222

SPEAKERS IN THIS ISSUE

Auld, Hon. J. A. C.; Chairman, Management Board of Cabinet (Leeds PC)
 Bernier, Hon. L.; Minister of Natural Resources (Kenora PC)
 Breithaupt, J. R. (Kitchener L)
 Bryden, M. (Beaches-Woodbine NDP)
 Burr, F. A. (Windsor-Riverside NDP)
 Campbell, M. (St. George L)
 Cassidy, M. (Ottawa Centre NDP)
 Cunningham, E. (Wentworth North L)
 Davis, Hon. W. G.; Premier (Brampton PC)
 Deans, I. (Wentworth NDP)
 Edighoffer, H. (Perth L)
 Ferrier, W. (Cochrane South NDP)
 Foulds, J. F. (Port Arthur NDP)
 Gaunt, M. (Huron-Bruce L)
 Germa, M. C. (Sudbury NDP)
 Gigantes, E. (Carlton East NDP)
 Godfrey, C. (Durham West NDP)
 Good, E. R. (Waterloo North L)
 Gregory, M. E. C. (Mississauga East PC)
 Grossman, L. (St. Andrew-St. Patrick PC)
 Handleman, Hon. S. B.; Minister of Consumer and Commercial Relations (Carleton PC)
 Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
 Kerrio, V. (Niagara Falls L)
 Lewis, S.; Leader of the Opposition (Scarborough West NDP)
 Mackenzie, R. (Hamilton East NDP)
 Maeck, L. (Parry Sound PC)
 Makarchuk, M. (Brantford NDP)
 McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental Affairs
 (Chatham-Kent PC)
 McMurtry, Hon. R.; Attorney General (Eglinton PC)
 Miller, Hon. F. S.; Minister of Health (Muskoka PC)
 Moffatt, D. (Durham East NDP)
 Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
 Norton, K. (Kingston and the Islands PC)
 Peterson, D. (London Centre L)
 Reid, T. P. (Rainy River L)
 Renwick, J. A. (Riverdale NDP)
 Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
 Riddell, J. (Huron-Middlesex L)
 Rowe, Hon. R. D.; Speaker (Northumberland PC)
 Roy, A. J. (Ottawa East L)
 Ruston, R. F. (Essex North L)
 Sandeman, G. (Peterborough NDP)
 Singer, V. M. (Wilson Heights L)
 Smith, G. E.; Acting Speaker (Simcoe East PC)
 Smith, Hon. J. R.; Minister of Correctional Services (Hamilton Mountain PC)
 Smith, R. S. (Nipissing L)
 Smith, S. (Hamilton West L)
 Stephenson, Hon. B.; Minister of Labour (York Mills PC)
 Taylor, Hon. J. A.; Minister of Community and Social Services (Prince Edward-Lennox PC)
 Timbrell, Hon. D. R.; Minister of Energy (Don Mills PC)
 Warner, D. (Scarborough-Ellesmere NDP)
 Welch, Hon. R.; Minister of Culture and Recreation (Brock PC)



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CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. (Phone 965-2159)

LEGISLATURE OF ONTARIO

THURSDAY, OCTOBER 28, 1976

The House resumed at 8 p.m.

BUDGET DEBATE (continued)

Mr. Bain: This evening I'd like to draw the members' attention to a very grave problem that exists in northeastern Ontario. It's a problem that perhaps hasn't been focused on in quite the way that I would like to do it. For me, the problem really involves communities and their right to live. People have developed these communities; they've built homes and schools and they've put down roots and many of these communities now are in jeopardy because of the price of gold.

It's not the precious metal that's at stake; it's the communities that are at stake. In the Timmins area, we have a number of mines that have laid off men since the beginning of the year. For example, Dome Mines laid off 150 workers. Pamor Porcupine Mines Limited, which operates all the other gold mines in the Timmins area, have been laying off about 500 men since the beginning of the year. Just recently, the Aunor and Hallnor mines laid an additional 100 off.

This is not only a problem for the Timmins area, it's a problem for many, many communities in northeastern Ontario. In my own riding, Kirkland Lake has communities that are dependent basically upon three mines, two of them being gold mines. If you consider the problem that these communities find themselves in, you realize that the problem was entirely of someone else's creation. These communities had no influence upon the creation of the circumstances that have led to their present situation.

I'm sure the members are very familiar with the situation that the American government, a considerable length of time ago—in fact, long before the Second World War—put a base price underneath gold which led to a considerable amount of production. It led to a situation where you had a number of countries accumulating gold. This developed over the years until you finally got the International Monetary Fund recently making a decision to dump this gold. You had auctions beginning which, we were told initially,

would not depress the price of gold—there would be no decrease in the price of gold.

This hasn't been the case. The price of gold has fallen rapidly until it's reached the point now where the gold mines in many communities cannot make a go of it. I've been told that for many mines they are actually losing—losing, not gaining but losing —\$30 an ounce for every ounce that is produced. I know the members of the House can appreciate that any business that finds itself in that position cannot last for long.

But it's not the mines, per se, that are the most important thing in this equation. It's the miners; it's their families; it's their communities; it's their way of life. And as I said, the miners have not created the particular situation they find themselves in. This has almost happened with a stroke of a bureaucratic pen, in this case not entirely of Ottawa's making, but certainly Ottawa supported the idea that these options should take place. Certainly the United States was the main country pushing for these options.

I think we have an obligation now to provide a transition for these communities. I think we have an obligation to provide some sort of support. You cannot, I maintain, create a situation where people establish communities, then overnight pull the rug out from under them.

The Minister of Natural Resources (Mr. Bernier) has stated at St. John's recently that he personally has a great deal of sympathy for the mining communities that produce gold. Indeed, many mining communities that produce gold are in his riding. But unfortunately, the Minister of Natural Resources has basically said that if the federal government will not act, Ontario will not act.

I don't think this is good enough. We have too many examples where the government in Ontario says that it's a federal responsibility.

We heard the same for the farm income stabilization. We couldn't have a support price beyond 90 per cent of the average price received for a product over the last five years. That was the federal support price and Ontario couldn't strike out on its own. But, lo and behold, when threatened

with the combined opposition, the government decided that they could in fact provide more than the 90 per cent support price. But I suggest that the government, on too many occasions, uses this idea that it's a federal responsibility to hide their own responsibility to look after the citizens of this province.

I would suggest that if the federal government refuses to act that the provincial government provide some sort of support price, base price, subsidy or whatever you want to call it, for the gold mines in this province. I don't suggest that it simply transfers money out of the public treasury into the profit picture of the gold mining companies. What I would suggest is that it looks at their deficits and perhaps picks up a deficit, but certainly not simply transfer money.

I would suggest that this kind of support would be far cheaper in the long run than the money that would be required out of the public treasury to support these mining communities if those gold mines close.

In Kirkland Lake the average age of a gold miner is 57 years. I'm sure that a similar situation exists in Timmins. Where will those miners go if those mines close? How many mines do you know that are going to hire 57-year-old miners? Not very many. Besides that, most of those people don't have a large income. They have built up their home in their respective communities. They can't afford to leave it for a few years and go to a community where they are very unlikely to find employment anyway.

So most of those miners will be forced of necessity to remain in their communities. They will first turn to unemployment insurance and then they will have to turn to public assistance. And the public treasury will end up paying far more in support if that happens. Plus, this government will have done something else which I consider far more of an indictment. It will have taken people who are proud people, who have produced a lot of wealth in this province for the benefit of others, not for themselves, and it will have forced them on to public assistance. And I think the government owes it to those people. It owes it to those people to provide a decent income for them. It owes it to the whole gold mining industry in this province to intervene if the federal government refuses to do so. I don't think this government can justify sitting back and doing nothing. If it does that it is abdicating its moral responsibility to these communities and to these people.

Another area which has been very serious for the people of all of this province has been the difficulties that farmers are facing. I don't think there is a member in this House who does not have a farm community which has come to that member and discussed the difficulties that the farmers are facing. I won't go into detail because members all realize that basically farmers are forced to pay out far more for the necessities they need to purchase in order to maintain their farms than they can possibly receive as a return for the products they are producing. That is why we need some sort of farm income stabilization which will provide a decent income level for farmers in this province.

It is not solely for the farm communities but for all the people, because if farmers go out of production we are not going to have them come back in very easily. In a few years we will be faced with food shortages and many people will not be able to afford the price for food at that time. Let me tell members that at that time the few farmers will not be getting the benefits. Even then we will still have the large meat packing companies, the flour milling companies, all the food processors and the food chains which will be the ones that will be reaping the windfall profits.

Right now the price of beef has fallen considerably since 1973. For the farmer the price has fallen but the price has remained relatively unchanged in the supermarket. The farmer is not meeting his cost of production as a beef producer today but the meat packing companies and the supermarkets are reaping untold profits.

Right now the price of beef has fallen considerably since 1973. For the farmer the price has fallen but the price has remained relatively unchanged in the supermarket. The farmer is not meeting his cost of production as a beef producer today but the meat packing companies and the supermarkets are reaping untold profits. If the situation exists where the farmer, because of lack of supply, finally gets a decent price we can bet our last dollar that the meat packing companies and the distributors will be the ones that will be really benefiting from that kind of situation.

We have an obligation to the farm community in this province and we have an obligation to all the people in this province to provide food not only for today but for tomorrow.

That brings me to the present farm income stabilization bill which was introduced the

other day, Bill 131. This bill, An Act respecting Farm Income Stabilization, was heralded by the minister as a great step forward. If the minister had been in charge of the space programme we would never have got to the moon. It's not much of a step forward as far as I can see.

The only difference in the bill is that the minister has incorporated some of the things the opposition parties requested. For example, he is making the bill cover all commodities; the programme will be covered by premiums which will be paid by farmers and those premiums will pay for a third of the programme's costs. Two-thirds of the cost will be paid for by the provincial government.

The problem is that the support price, instead of being 90 per cent of the average price received, plus some allowance for production costs over the last five years, is now 95 per cent. We get an extra five per cent on one hand but that is going to be taken away by the farmers being called upon to pay a premium to participate. I would suggest that the bill we have before us is the same bill with a little change made here and there but it is still totally unsatisfactory and it is not going to solve the problem.

I believe that the problem is one worthy of tackling. I believe that the farm community in this province deserves a lot better from any government and I would think that the members of the government should be ashamed to introduce Bill 131.

Mr. Lupusella: It's a shame.

Mr. Bain: The mismanagement of our resources, I think, is a shame that can be laid to rest at the doorstep of this government. We have always been told that the government is efficient in its planning. It's efficient as a party that knows how to manage. If you look at our natural resources, which in fact are the basis of our prosperity, you will see that they have been totally mismanaged. We've already seen first-hand the problems in the farm community because of lack of proper policies on the part of this government. If you turn to the forest industry, Mr. Speaker, you find an even greater indictment of the government.

[8:15]

I always assumed, because the government said it was the case, that we were into a programme of sustained yield in this province, that we always planted as much as we cut, and therefore the forests would go on forever providing the jobs that were so

necessary. But in fact we have a situation that has come to light in a number of reports—one of them the Armson report—where we see that the government in this province has collaborated with the private companies to not embark upon forest management but to maximize the immediate profits of the corporations.

There really has been very little effort made to embark upon adequate policies of regeneration. I'll grant that some efforts have been made to regenerate, but those have been very short of what the goal should be. During 1971-1972, an area covering 5,100 acres was harvested near Dryden while only an area of 2,600 was treated through various methods of regeneration, whether there was actually a spreading of seed from the air by planes or whether it was planting of seedlings. In the same district in 1975-1976, 12,500 acres were harvested and only 3,600 acres were treated. It doesn't take a mathematician to see that far more is being taken out than is being put back in.

If you look at the entire province one finds that the picture is about the same. We're harvesting, as of one year ago, 5.1 million cunits of wood over 500,000 acres and we're treating only 175,000 acres. By 1982-1983, we are expected to be harvesting, instead of 500,000 acres, 600,000 acres. By then we'd only be regenerating 296,000 acres. As you can see, as the years pass the accumulation of untreated acreage will build up and build up, until you reach a point where we will not be able to maintain the same level of cutting, where we will not have put anything back into the bank to draw upon, and we will have to curtail the forest industry.

Those members in the government who are from northern Ontario—and there are, I admit, a few of them—will have to recognize and agree with me that this is a severe problem. We in the north realize the limitations of our mines, but we always felt that our forest would provide jobs at a sustained rate and that there would never be any curtailment of the forest industry, because we believed that the government was in fact utilizing the policy of sustained yield. But as I showed earlier this is not the case. We are cutting and we are not putting back what we should be.

I'm sure that I speak for my party on this. One cannot always assume they speak for their party on many issues, but on this I'm sure I do. If the government introduced a sufficient budget to cover regeneration for everything that is being cut, and began to get rid of some of the backlog of acreage

that has never been regenerated, it would have the full support of this party. We would not show the slightest reservation. If it wants to spend money on something useful, spend it on regenerating our forest. It then would be protecting the future, not of ourselves but of our children, in this province.

An example that has come to light recently that I think exemplifies mismanagement of our forest industry is Reed Paper. Reed Paper has, I think, just about the worst record of any company in this province in the forest industry. It is responsible for the pollution of the English and Wabigoon river systems with mercury. It has a record of total disregard for regeneration in its limits; the province itself has been almost incapable of accomplishing any regeneration within those limits.

This company, with such a record, is given almost 19,000 square miles of virgin timber land in northwestern Ontario. It just doesn't make any sense to me. I know I would not be able to say it, because the Speaker would call me to order, but I just wonder about the motivation for such a decision. I am not attributing motives. I am simply wondering how such a thing could happen; how a company like Reed Paper could be given any more acreage in this province. I would suggest, since that company—

POINT OF ORDER

Hon. Mr. Rhodes: On a point of order, Mr. Speaker.

Mr. Speaker: What is the point of order?

Hon. Mr. Rhodes: The hon. member is intimating to this House that, in fact, 19,000 square miles of area has been given to Reed Paper.

Mr. Deans: That's not a point of order.

Hon. Mr. Rhodes: The Premier (Mr. Davis) has stated quite openly, on behalf of this government, that it is not so. With respect, Mr. Speaker, I feel the hon. member should not be making those comments that this, in fact, has been done.

Mr. Deans: It is his opinion. He's entitled to his opinion.

Hon. Mr. Rhodes: No, it is not an opinion.

Mr. Bain: Mr. Speaker, I assume you will not rule that is a valid point of order, so might I continue?

Mr. Speaker: Irrespective of that this seemed to be very thoroughly discussed this afternoon. There is a difference of opinion as to whether anybody has been given anything or not, but I think you must accept the word of the hon. member that it has not been given. You may suspect that it might be given, but that's a different matter from saying that it shall be given. So I think the member should avoid such statements in view of the statements this afternoon.

Mr. Breithaupt: Mr. Speaker, if the member wishes to give his opinion as to what may have happened or what may happen, I would think that might be all right. But to say, in fact, that a certain thing has happened, in the light of a denial from the Premier, might be a little presumptive. One would therefore hope that the member would refer to his own point of view as to what may happen. If that occurs, I would think the House would be pleased—

Mr. Speaker: I think that's what I said in other words. The hon. member will continue.

Mr. Deans: Just a brief word on the point of order: If you are going to exercise that prerogative now, Mr. Speaker, I hope you will keep it in mind when people like the Minister of Housing (Mr. Rhodes) make speeches.

Mr. Speaker: The hon. member for Timiskaming will continue.

BUDGET DEBATE

(continued)

Mr. Bain: Thank you, Mr. Speaker. I would assume that whenever members speak, they speak about reality as they perceive it. I would simply say that my perception of reality, and my party's perception of reality, have been proven to be correct more often than the government's—in my opinion.

Hon. Mr. Rhodes: Ninety-nine per cent garbage.

Mr. Breithaupt: That's perception of itself.

Mr. Bain: In the example I cited relating to Reed Paper, I was going to say that a memorandum of agreement that agrees to give or not to give, that might give, that perhaps will give and that some day will give, is not what should have been signed. What should have been signed was a strong letter of indictment that would have been sent by the Minister of Natural Resources to that company that, because they as a com-

pany are responsible for the pollution of the English and Wabigoon river system, unless they clean up that river system themselves at their own cost, they will lose what timber rights they already have.

The time has long since passed in this province, I think, when we can tolerate any company destroying the natural resources of the people of this province in the name of corporate profit. For, after all, when the companies have come and gone, the people will still be here; and if there are no resources, what will sustain them?

I would like to turn to a matter that is of great importance to the average person in northern Ontario because they face it every day of their lives. I am sure that the Minister of Housing will recall in 1971, in the election campaign waged by the government in northern Ontario, that they published a very nice pamphlet. It had a blue cover with, I believe, a picture of the Premier. I looked for it down here in my office but, unfortunately, I had left it at home so I will send you a copy if you should indicate your interest.

Hon. Mr. Rhodes: I have one. I was around in 1971 and you weren't.

Mr. Moffatt: I have 12,000 that nobody would take.

Mr. Bain: You have it? The pamphlet in particular was very interesting in that it promised—this was an election promise and I assume the government keeps its promises—

Mr. Deans: They can speak on whatever they want to and you can't challenge.

Mr. Bain: I wouldn't want to impute motive but I assume they keep promises. They promised in that election that they would equalize gas prices all across this province—

Hon. Mr. Rhodes: What is Orphan Annie talking about?

Mr. Bain: That appealed to the people of northern Ontario and it still appeals to them and they're waiting.

Hon. Mr. Rhodes: Not in the Soo. We pay less in the Soo than in Toronto—two cents a gallon less.

Mr. Bain: How long must they wait? In the fall of 1975 we saw where gasoline and oil prices were going up on the average six cents a gallon. The oil companies were about to make another windfall profit but the government refused to intervene and

allowed this to take place. We have recently been treated to another such increase in gasoline prices and on a recent trip last week through northeastern Ontario, we kept track of the gasoline prices from station to station.

In New Liskeard, we found that gas in one station was 93.9 cents for a gallon of regular gas. In Timmins it was 83.9 cents. In Smooth Rock Falls it was 99 cents and in Kapuskasing at one station it was 94.9 cents. These are random stations, just happening to be the ones we pulled into.

The point is, we're always told in northern Ontario that we have to pay more for gas because of transportation costs. We get it from the south supposedly. For anyone's geography, if you look at New Liskeard, Timmins, Smooth Rock Falls and Kapuskasing's relative locations on a map, you will find that New Liskeard is in the south with 93.9 cents, Timmins, over 100 miles to the north, has 83.9 cents. Smooth Rock Falls, going further north, is 99 cents. But again, further north than Smooth Rock Falls, you have Kapuskasing with 94.9 cents.

I would suggest that the price of gas bears no relationship to transportation costs. It bears a strict relationship to what the companies figure they can charge the public. They charge all that the market will bear. In the case of Timmins, we owe the lower gas price to one stalwart individual who sells his gas as an independent at a lower price. I'm sure the people in Timmins thank him every day, not only by high sales but by gratitude for his desire to do a little bit to provide a reasonable price for gas. He's still making a profit. The other companies, of course, are forced to keep their prices down a little more.

There is no relationship between gas prices and northern Ontario and transportation costs. For the government to fail to act in this area is again negating its responsibility. We are told that transportation is the reason for the difference. But transportation, of course, is not the reason. The companies will charge whatever they think they can get away with and, of course, the government seems to sanction that attitude. I believe it calls it free enterprise. Most of us would call it gouging.

Hydro. The government can say it doesn't have any control over the gas companies, which I would debate, but it has a very direct control over Hydro.

Last year hydro rates went up some 20 per cent and this year we've been told there's going to a wholesale increase of 30

per cent. The government can give me all sorts of justifications why—

Mr. Deputy Speaker: Could we have a little less noise in the chamber, please? Can you keep your side conversations down?

Mr. Bain: The Liberals and the former Liberals.

Hon. Mr. Rhodes: Who said that?

Mr. Bain: I did, the person who is supposed to be speaking.

Hon. Mr. Rhodes: That's the first accurate thing you've said all night.

Mr. Deputy Speaker: If the Minister of Housing wishes to interject, please would he do it from his own seat?

Mr. Bain: I think that the Speaker would appreciate a little incident—the Minister of Housing and the former Minister of Transportation and Communications reminded me of this.

[8:30]

Mr. Laughren: He's not the Minister of Housing; he's the minister of house. He built one.

Mr. Bain: The minister, of course, represents the great riding of Sault Ste. Marie, which has remained a great riding despite the representation. I'm sure the former Minister of Transportation and Communications realizes that the people in northern Ontario have a totally inadequate road system and that people all along Highway 11, from North Bay onwards, have been asking the government for quite some time to build a few passing lanes so that people's lives and limbs would not be endangered every time they went on the road. We've been told that the government can't afford that.

This summer my wife, my son and I had the privilege of vacationing in the Dean Lake area and we happened to go to Sault Ste. Marie one day. Members will realize that we had already gone from North Bay toward Sudbury and we didn't see any great profusion of passing lanes along Highway 17. We were well past Sudbury at Dean Lake and we went toward Sault Ste. Marie.

All of a sudden, out in the middle of nowhere, these passing lanes began to spring up upon us and my wife couldn't quite figure out why those passing lanes were there because she knew there were no passing lanes to speak of in any other part of northern Ontario. As we got closer to the

Soo these passing lanes were so intermittent that they must be an embarrassment to the minister.

Of course, his pride is the fact that we have those passing lanes there. As a former Minister of Transportation and Communications I'm sure he evaluated the need for passing lanes on Highway 17 toward Sault Ste. Marie in the same way as he evaluated the need for passing lanes everywhere else in northern Ontario.

I feel that this kind of crass patronage is what has resulted in the Tories having only—what? one, two, three, four people representing northern Ontario in the government. I would suggest that that is because of their attitude, the way they treated politics in northern Ontario. I don't find many people who believe that the way one votes should determine whether one gets basic services or not. That's what defeated the Tories in northern Ontario.

I'm sorry for the digression, Mr. Speaker, but the interruption by the former Minister of Transportation and Communications I felt should elicit a response.

Going back to the problems of Hydro and the escalating prices in general, we come to the most scandalous example, the example of natural gas. Within the last 2½ years the price of natural gas has gone up over 100 per cent.

Interjection.

Mr. Bain: Incidentally, Mr. Speaker, you correct me if I'm wrong, but I believe that in the budget debate I will be speaking, then a Liberal will be speaking but we don't have a Conservative who would be willing to speak tonight. Obviously the member for Sault Ste. Marie has a lot to contribute and I'm sure we'd be happy to listen to him in his turn.

Interjection.

Mr. Bain: The gas bills, as I've said, in northern Ontario have gone up over 100 per cent in the last 2½ years. I cite these examples to indicate that the government's supposed restraint programme applies only to essential services and certainly not to basic needs of the people.

If the Tories are going to embark upon an anti-inflation programme which they claim is necessary to fight inflation, I'm sure the people of this province would be happy to accept such a programme if they felt it was being applied fairly. If wages are allowed to go up only eight per cent to 10

per cent, fine, as long as prices go up only eight to 10 per cent. But the Tories have shown no indication of doing that. This mumbo-jumbo about profit control is misleading no one; nobody believes that. Even they don't believe that. If they want to control prices set a lead; set an example. If they control prices as they have tried to control wages, they'd have the support of people for a real anti-inflation programme.

As long as they allow Hydro charges to increase by 30 per cent wholesale this year, natural gas to go up 100 per cent in the last two years and, worst of all, as a government, increasing OHIP premiums 45 per cent—that's what I call real leadership. They really want to show the people they mean business about prices. It's a service for which they charge people; they raise the price for it 45 per cent and expect the people to sit back and allow their wages to be restricted to eight and 10 per cent.

In effect, what they are doing is taking away earning power from working people. They are—they're right. They'll be able to fight inflation because if people don't have any purchasing power they can't buy goods. There won't be a demand, therefore the government is not going to have inflation but there's no way that that is a method of fighting inflation which any progressive, humane government could sanction. Yet these people sanction it and, in fact, proselytize for it but they have gained no converts. Unless they totally disavow the anti-inflation programme they're going to be totally disavowed at the next election.

The restraint programme, I have found, has been expressed in a very unacceptable manner when it comes to the Ontario Student Assistance Programme. I'm glad to see that the Minister of Colleges and Universities (Mr. Parrott) is here. I would simply like to say to him that last year and this year when I and others phoned the Ontario student assistance branch here in Toronto, we were told that there was not sufficient staff to process the applications and that's why the applications took so long to process.

I would suggest that in an area like this, a basic area where people need the service, he shouldn't cut back on his staff. Whatever staff he needs to process the applications, he should have. If he can't do that or is unwilling to do that, he should set up a basic set of guidelines which would show the qualifications for an Ontario student assistance loan and give those guidelines to the colleges and universities and let them administer the programme. At least he'll get it done a lot more quickly.

I'm not saying that he needs to do that. I'm simply saying that whatever method he feels he can manage is the method he should embark upon to allow those applications to be processed.

Since I was elected in the fall of 1975, I have begun to get an idea of what the Speaker referred to as—what was it? It was bureaucracy. Flabby bureaucracy? It was a good term anyway.

Any time one phones a government agency, one has to have a number, a file number, a social insurance number, some sort of number. I've come to accept that. I see the necessity for that. When one phones the Ontario student assistance branch, one needs a file number but the file number is no good to them. They can't find the file. They have to have the batch number as well. I think that is the first ministry in any level of government where you need two numbers to get hold of a file.

Hon. Mr. Parrott: Progress.

Mr. Bain: As I said, whatever method the minister needs to utilize to overcome the problems of processing applications, he should do it. Many students who are going to colleges and universities would not have been able to go a few years ago; they don't have family resources to fall back upon. If they can't get their student loans in time, many of them have to drop out of school and I don't think we can—

Hon. Mr. Parrott: That is not so.

Mr. Bain: I don't think we can tolerate that and any student—

Hon. Mr. Parrott: Why doesn't the member name a few?

Mr. Bain: Okay. Any student who has had to do that—

Hon. Mr. Parrott: Send me a list of a bunch of those who have left.

Mr. Bain: Okay. I assume, then, if I give the minister any names of students who are faced with this difficulty—

Hon. Mr. Parrott: The ones who have had to stop. The ones you said are dropping out.

Mr. Bain: The ones who have had to drop out? Unless the minister is going to be able to go to them now and provide a situation by which they can re-enter, his posturing is of little use. I'm trying to get an improvement. If I provide the minister with names of students—

Hon. Mr. Parrott: Who have dropped out?

Mr. Bain: No. Who are presently in that situation. I can provide the minister with those names as well, but those people can't be helped right now.

Hon. Mr. Parrott: You're aware that 80 per cent of them got their loans?

Mr. Bain: The minister is willing to help. I can see that. I'm glad he's willing to help. Can I provide the minister with names of students who face that problem right now, and will he act before they have to drop out in the next week or two?

Hon. Mr. Parrott: Certainly. We have 80 per cent of them now.

Mr. Bain: Thank you very much. The minister will have the names tomorrow. Do any other members have names? If so, send them to the minister.

Hon. Mr. Parrott: Without the student aid programme, there wouldn't be any students left.

Mr. Bain: I was told that one couldn't get any action out of the government by speaking in the House. I'm glad to see that isn't true. I'll have to bring more matters to the attention of the House.

Hon. Mr. Rhodes: It's the first representation you've made on behalf of your constituents since you have been here.

Some hon. members: Oh, oh.

Mr. Villeneuve: He's only here for one term.

Mr. Bain: I've known of situations where the member for Algoma has had to raise issues in this House which more properly should have been raised by the member for Sault Ste. Marie. It just goes to show who is representing their constituents, doesn't it?

Mr. Lewis: Does the minister realize that his party is 12 per cent behind the NDP in northern Ontario? In the Soo, Algoma-Manitoulin, Cochrane North and Kenora—in those four ridings.

Hon. Mr. Rhodes: Not in the Soo, baby.

Mr. Lewis: The other ones we won't even talk about.

Hon. Mr. Parrott: You've got to admit you guys don't even come close.

Mr. Lewis: And when you think of who they're talking about as your successor—

Hon. Mr. Rhodes: Mr. Speaker, will you stop the interjections by the member for Scarborough West? It's terrible.

Mr. Deputy Speaker: Order, please. Will the hon. member for Timiskaming please continue?

Mr. Bain: Thank you, Mr. Speaker. Another area I would like to deal with is one which the government has neglected far too long; it is the area of occupational health. The government has received the report of the Ham commission, which I think many of us will agree has been a milestone in its thoroughness and in the personal character of Dr. Ham, which led him to really talk to people about the problems they face in the mining industry. But this royal commission on mine safety also has been a milestone in that it has documented, point by point and verse by verse, the government's total lack of involvement to enforce proper health standards in the mining industry. In fact, the Ham commission report is an indictment of the government's inaction over the years.

Mr. Cunningham: Where's Marvin? We want Marvin.

Mr. Bain: There are a number of things in the Ham report which I feel are long overdue, but won't go into all of them. However, I think that we must have workers as the inspectors in the mines. There's no point in having the inspection done by people who come out of management and whose sympathies lie in that area. We also need to have strict and objective threshold limits for various levels of exposure to dust, gas, etc., that can be rigidly enforced. There needs to be this reference that can be made so that one can find out exactly what the standards are.

One other thing that I think is most important is that permanent records need to be kept of anyone who enters into the mining industry so that person will be able to know of any developments that would hazard that person's health. Today we have many miners—and the member for Sudbury (Mr. Germa) has mentioned this many times in the House—who don't have records kept of the mines they've been in; they might go out of mining, and when they do there is no effort to track them down to see if they do need treatment. So I feel this is absolutely essential.

It remains to be seen whether the bills that have been promised by the government will accomplish what the government says

they're going to accomplish, but at least the government is admitting that it must move in a new direction, and that this new direction has to guarantee safety in the work place.

Mr. Cunningham: Where's Marvin?

Hon. Mr. Rhodes: Where's Stuart?

Mr. Cunningham: Looking for Marvin.

Hon. Mr. Rhodes: Is he down talking to Pierre, saying, "Please go away"?

Mr. Cunningham: Talking to Bob Johnston.

Hon. Mr. Rhodes: "Pierre is hurting me," says Stuart—Stuart is hurting Stuart.

Mr. Bain: I would suggest that the government do something that might be a little innovative for the government. It should formulate a bill of rights for working people and for miners, and it should be mandatory that this bill of rights be posted in every work place in this province so that the working people would know exactly what their rights are. I find that a number of people involved in industry do not know exactly what rights they do have. I'll grant you under this present government those rights have been precious few but they are not even aware of many of those. So, provide a bill of rights for working people in this province that is easily understood by everyone and easily enforced and can't be wriggled out of by the government.

[8:45]

Mr. Laughren: Long overdue.

Hon. Mr. Rhodes: Glad to have been of service, says another teacher.

Mr. Laughren: Says the Minister of Housing, a former jock.

Mr. Bain: I have been glad to see the Minister of Housing participate in this exchange. I only hope that he has learned and will benefit from the exchange.

Hon. Mr. Rhodes: Yes, teacher.

Mr. Breithaupt: He still has powers—

Mr. Bain: We are all teachers and we are all students and we all have a lot to learn.

The problems that I have discussed this evening do not simply focus on an abstract. Gold is not the problem; it's people and their communities that are the problem. Farming is not the difficulty. It's the farm communities that are threatened by the govern-

ment's inaction. Forestry, again, is not the problem per se. It's the fact that we are not wisely utilizing our forests and that we have to embark upon regeneration in order to guarantee the future for the people of this province.

Prices—gas, hydro, natural gas, your infamous OHIP premium increase—these again in themselves are things that affect people and the government has to control those prices. If it doesn't—and I don't think it will because I don't think it cares—then in fact what it is saying to the people of this province is that they don't really matter. The government is saying that you can't have a divided loyalty. You can't have a loyalty to corporations and people at the same time. And it has obviously decided which side it is on. The profits of corporations—

Hon. Mr. Rhodes: You want to subsidize them.

Mr. Bain: —are what it will protect. And that is why this government has to be watched constantly because it says that it will come in with a bill that will protect workers. But when it implements it, what kind of a bill will it really be? The government's heart usually is not in any of these things and it is driven, yelling and screaming, to the point where—like 1943—it figures "We might lose so we had better put in a bill that looks like it will appear to people that it will tackle the problem." Invariably, it's window-dressing and the bills usually never have any real substance.

I would like to offer a little spirit of co-operation. I wouldn't want to be accused by the government of not being willing to co-operate. I personally would be willing to support this government when it makes the decision that people are more important than corporate greed and corporations maximizing their profits. Until it does that—and I don't think it ever will—it will not have my support and it will not have the support of this party nor of the people of this province.

Mr. Ruston: Mr. Speaker, after all that applause I feel as though I should sit down while I am ahead. On the other hand, I don't think I will.

It has been some time since the Treasurer (Mr. McKeough) brought down his budget last April 6. There have been a number of major things happen since that time and a person could spend a great deal of time in going over that budget. Probably one of the items that is of interest right now is the reform of property taxation in budget paper

E that the Treasurer spoke about at that time. I think that he should take the reform out. I don't think it is a reform. I think it's just a shuffle, like they sometimes shuffle the cabinet over there, like musical chairs or something. I have a feeling that's what he recommended in budget paper E and the reform of property taxation—and that's all it is.

With regard to his proposals to raise the market value assessment on the golf courses, and to tax schools and many other charitable properties, in my opinion this is not reforming our taxation system. If we are going to really reform it then I think it's time we started thinking about where the money should come from for certain services that we must put into the community.

I would suppose that education is always one of the topics in a type of thing like that, because it does take a major portion of the municipal tax. I think in our own area, from what the municipality collects, about 55 to 60 per cent goes to the education system. It's worrisome when you see people bringing you their tax forms for this year compared to last year. I was looking at one of my neighbour's whose house is in the township where I live. I think his total taxes last year were \$552 and this year were \$654.

The township and county rate held steady—they didn't raise any. They were very careful—they are trying to keep it down. They were aware that the province had cut back to some extent on the increase it had been allowing school boards, so the school board had to raise theirs considerably—in fact \$102 on one home. That was what the school tax alone increased in one year.

But it concerns me to see what happens in the United States just 20 miles from where I live—the problems they're having in education for their children, and assessing the cost of it. I don't know if you are aware of it but in the United States they cannot raise the mill rate automatically at the whim of the elected people like we can over here. We have much greater powers than they have. The local municipal council in Detroit or any of the areas there cannot say, "We need \$10 million more this year so we'll just raise the taxes." They can't do that. They're limited in what they can put on the taxes in United States.

Last August during the primaries they had a vote in the city of Detroit to try to get more money to run their school system, and it was turned down. That meant a great catastrophe really—in the city core especially. Under our present system, if it continues

the way it is, I'm seriously concerned that the same thing could happen here. I think everybody in the education system should think about this—teachers, school boards and everybody. If it continues like that—and there's been talk about it over here—the people are going to get so concerned about it that they are going to start demanding that something similar come about.

That could really be the ruination of our education system. Much as we like to look after our fellow man, we sometimes have a tendency to say, "We don't need a new school—our children are all through." This is what is happening in the United States in many cities. In fact they are having another vote on November 2 to try to get this. There are many more people in the community concerned about getting the mill rate voted, so they can raise more money.

If we continue our present method of paying education costs—so much of it on the mill rate and property taxes—I'm concerned that we're going to have real problems. I think it's time we took a look at how the future stands and how we are going to handle this and whether we are going to have to start looking at the sales tax, the income tax and the corporation tax. I don't think we can continue at the rate we're going. I'm afraid we're heading for trouble. I'm very serious about this; I'm really concerned about it because I can see these problems growing.

We have the negative income tax, of course—it does help some. But it doesn't solve the problem and it's not going to solve the problem, and I'm really concerned about this.

The education system that has been running in this province for the last 10 or 15 years has not been the best. I know that the Minister of Education (Mr. Wells) and the former minister, now the Premier, like to get up and say that our system is the best in the world. But it's not been the best in the world and they are finally admitting it. In fact, it was only a couple of weeks ago on Wednesday afternoon when the Minister of Education came out with a window-dressing statement that he was going to start making certain subjects mandatory and so forth when he was aware that one of the other parties had a policy statement coming out to try to bring our education system to a higher standard.

Hon. Mr. Rhodes: Which party?

Mr. Ruston: Well, which party, Mr. Minister of Housing? I am sure the minister knows

which it is because we know the NDP are not interested in improving the education system. They want it freer than ever. No regulations, no nothing, just go and do your own thing. That's their system; that's their policy and we know that. I am ignoring that party for now.

I think it's a serious situation and I would hope that all parties would consider this matter of assessing the cost of education in the future and taking it very seriously. I think that if we continue with the present system we are heading for real trouble. I think the public is not going to accept it,

There are many things that a person could talk about now. One of the main concerns to everyone in the province of Ontario, not just in our own riding, is our energy costs—hydro rates, natural gas rates and gasoline. The OPEC countries a few years ago came to the conclusion that if we could sell a bushel of wheat for \$5, they should have \$10 or \$11 for a barrel of oil. They raised the price from \$3.50 to \$11 and that's it. Of course the sheik of Alberta then figured if they can get \$11 or \$12 a barrel, he should be able to get that much too—

Mr. Edighoffer: He is NDP.

Mr. Ruston: No, I am afraid he is a Conservative. It's a funny thing about the oil in Alberta and the price that they want. The federal government is trying to keep them from raising it too fast. They want the world price immediately but the federal government said, "No, we are not going to allow that." You know that fellow from—well I don't know what riding he's from—from Alberta. I think his name is Clark but I don't know if he is from Assiniboine—

Mr. Breithaupt: He is the Yellowhead kid.

Mr. Ruston: —or from Yellowhead or from—

Mr. Kerrio: He's a McTeer.

Mr. Ruston: Well, yes, I have heard that name too. But there is another riding he is going to represent too and I am not sure which riding it is. He is having a little problem there. He is having a little problem there with somebody running against him in one of those ridings.

Hon. Mr. Parrott: He is the next prime minister of Canada.

Hon. Mr. Rhodes: He is not bailing out to Quebec.

Mr. Ruston: The funny part about Mr. Clark is that I never heard a word from him

about what he would do about energy costs. It's amazing how he can keep so quiet in all this. It is just amazing and one wonders why, but I suppose it is not hard to figure out when he comes from Alberta. Naturally he doesn't want to say anything about all the millionaires in Alberta and all their oil. But that fellow, the leader of the Progressive Conservative Party in Ottawa, I will give him credit. He can really keep quiet when it comes to energy costs. He has never said a word since he has been elected leader of the party.

Hon. Mr. Rhodes: Don't mention the federal Liberals.

Mr. Ruston: John, are you having trouble over there?

Hon. Mr. Rhodes: Don't mention the federal Liberals or Stuart will be mad at you.

Mr. Ruston: Oh, I see. Well, I am mentioning energy costs and they come all tied in. The Minister of Energy for Ontario (Mr. Timbrell—well, I have a word for him but I don't think it is ethical. I can't call another member by what I was going to use. I am very disappointed in the way he replies to some of the suggestions that people have made—the municipal associations of Ontario and so forth. The arrogance that he shows—I don't know whether it is because of his—

Mr. Eakins: Youth?

Mr. Ruston: Well, I think a lot of young people are a lot smarter than that. They respect people more than that. I am not sure what it is but I think that most people are disappointed in his attitude with regard to suggestions made to him on energy costs and so forth in Ontario.

As for hydro rates in Ontario, it's fine to say we need controls and my goodness, we know that the majority of people of Canada accept them. They don't agree with them all because, after all, everyone likes controls as long as it is on the other fellow and not on them. That's the way we happen to be in most cases. But when you come and want a 30 per cent increase in Hydro rates at a time like this I just can't understand it.

[9:00]

Sure, the Treasurer gets up and says: "Ontario Hydro has to have the money because we'd only have to go into the market and borrow more money." If I was running a business and had to compete with a fellow down the road who had his place all paid for while I was still borrowing money I

couldn't afford to raise my price way above his because I wouldn't stay in business. I'd have to go out and borrow money and try to get along so that I could compete with him.

But, of course, Ontario Hydro doesn't have to compete. That's one great advantage, I suppose, of being a government agency. In fact, like the NDP, if everything was run by the government there would be no competition. Whatever the price is, that is what it would be.

But you still need a little competition. Ontario Hydro does not have to raise the rates all that much if they really look at what their rate structure should be over the next five years. If they do have to borrow a little money for this year or for the next two or three years, there's nothing wrong with that. They could keep their increase to about 18 per cent wholesale this year and next year about 12 to 14 per cent and the next year about eight to 10 per cent.

That can be done, Mr. Minister of Housing. I see he's taking his pencil out, but that can be done.

Mr. Bounsall: Not a bad idea.

Mr. Ruston: No, that's sound business practice, especially at a time like this when we're trying to keep our cost increases in a general line or from six to 10 per cent each year. That's what we should be looking at. There's nothing wrong with it at all.

The cost of hydro at this rate is going to put our manufacturing industry in some jeopardy. It's going to put everybody in jeopardy. We just can't be looking at a 30 per cent increase in one year, especially when it can be done with a lower increase. I realize that even 18 per cent is too high but, on the other hand, that's the wholesale rate. I'm surprised that the member for London North (Mr. Shore) doesn't get up here. He's an accountant and I'm sure he could tell you fellows that this could be done, but I suppose he's not going to say anything to you fellows. He's going to be pretty quiet.

Mr. Eakins: He's 9 to 5 now.

Mr. Ruston: I see he's not in his seat now. Anyway, Mr. Speaker, I'm concerned that this is not at all good for the province of Ontario—

Hon. Mr. Rhodes: He is out with Stuart playing tennis.

Mr. Ruston: —and I think that this government has to see that Ontario Hydro does not raise the rates over 18 per cent wholesale for

this year, and balance it out over the next five years. That can be done, I'm sure.

Hon. Mr. Kerr: Eighteen?

Mr. Ruston: Eighteen per cent wholesale. They're asking for 30.5 per cent.

Hon. Mr. Kerr: Would you settle for 22.7 per cent?

Mr. Ruston: No, 18 per cent.

Hon. Mr. Kerr: We'll have to go to the people over that one.

Mr. Ruston: We don't have much control over natural gas. We realize that because it comes from Alberta and British Columbia—

Hon. Mr. Kerr: It comes from Chatham.

Mr. Ruston: Maybe if we had all this natural gas like they have out there we'd be greedy too. After all, we all have to live in this country. Surely, we can look after our own anyway. Our own hydro, fine, we should look after that. We should see that it stays within reasonable limits and within the guidelines set up by this government. This government approved those guidelines.

Mr. Speaker, one of the ways the Treasurer is handling the finances now—his cash flow and his budgetary requirements and so forth, and this Wintario lottery and now this Provincial lottery—I spoke on the Wintario bill when it came in—and mind you, I have five tickets in my pocket now. Sometimes I have more but I have to force myself to quit buying so many because—

Mr. Eakins: You're playing right into Darcy's hands.

Mr. Ruston: Yes, I'm playing right into the Treasurer's hands and also those of the Minister of Culture and Recreation (Mr. Welch). Every time there's a draw on TV, the Minister of Culture and Recreation is up there and this is a great thing. They are all right up to a point but when we start putting these in and now there are the \$5 tickets, the thing that bothers me—not very long ago I saw a fellow walk out of a place which was selling tickets. He had worked overtime the week before and he had a good-sized cheque. He walked out with three \$10 lottery tickets, two \$5 tickets and five \$1 tickets. There was \$45 that he was paying in one week in lottery tickets and he's got a family to keep and so forth. What I'm saying is the more these are put out and the more we keep this advertising going—it's false advertising, too, when they get up and say "everybody wins."

I suppose if a businessman advertises like that the Minister of Consumer and Corporate Affairs in Ottawa would probably take him to court.

What bothers me with this is it's fine to have it for certain things but with this type of a thing we tend to get the money—the people who are putting out the money are generally low income people, the people who aren't able to pay high taxes. What I said at the time this Wintario bill came through was that we should never get the idea that this is the way to raise money for necessities because after all we're not collecting on the ability to pay.

It's an emotional thing and it kind of gets into you, I suppose. It's like betting on the horses or betting on the numbers like they have in the States and some other places. I'm not objecting to them. I think everyone likes to gamble a little and I think the Wintario one with its \$1 tickets is great but I'm really concerned about these other ones and the big advertisements we have saying everybody wins.

I don't think that's the way to raise money for health care and educational costs or even health research. If we need health research I think that should come from the people who have the ability to pay and I don't think there's any fairer way to collect it.

There is another thing with Wintario. I mentioned about the Minister of Culture and Recreation getting up there—we're using it as a political game. I've had different people tell me, "All you're doing is building up a fund." I think one of the commentators on CBET, channel 9 in Windsor, Lloyd Brownjohn, said, "All you're doing really when you're buying tickets is you're building up a fund for the province of Ontario and the Conservative Party before the next election so that they can go out and start approving all the grants and making sure the cheques get out in a hurry."

They've approved lots now but the cheques aren't going out. It takes eight months to a year to get them out. Five weeks before the election, they'll be rolling them out and they'll have to bring in transport trucks to take them all out. It's a great thing. I had one in the last election, \$325,000, just seven miles from me. The Premier came down and said—sure, we're glad to take the money.

Mr. B. Newman: What happened as a result of that?

Mr. Ruston: They did get 100 more votes but they still got only 18 per cent of the total. That's all right, we accept that.

Mr. Good: It cost \$35,000 a vote.

Hon. Mr. Rhodes: Didn't hurt you any, did it?

Mr. Ruston: But this is too political. We're heading the wrong way on that, I'm sure. It's an interesting thing—how the letters are signed. Every time I get a copy of a letter that went out or was going out to somebody who made an application for a Wintario grant—

Mr. Kerrio: Listen to this.

Mr. Ruston: —the first thing I do when I get it, I don't read it—I look at the bottom to see who signed. If the Minister of Culture and Recreation signed it I know it's an approval but if the deputy minister or some other one signed it I know it's being considered. It's awful to think that they have come to that.

Mr. Good: How low can you get? Talk about politics!

Mr. Kerrio: Mr. Johnston turns it down and the minister approves it.

Mr. Ruston: The Minister of Culture and Recreation has had so many portfolios. I've been in this House nine years and I think he's had eight portfolios since I've been here. I really don't know whether he's incapable—whether he gets a ministry in such a mess that they move him to another one—or whether he can fix them all up in a year and they pass him on to another one. I really haven't been able to assess that because I don't have access to the files to know for each ministry he's been in charge of, whether he's good or bad. You have to look at it one way or the other. He's real good or real bad and they shuffle him out.

Hon. Mr. Rhodes: What is your honest assessment?

Mr. Ruston: My honest assessment? I think he's pretty lousy.

Hon. Mr. Rhodes: Give us your honest assessment.

Mr. Eakins: He was Minister of Housing, wasn't he?

Mr. Ruston: Yes, he was the Minister of Housing for a while. That's right.

Mr. Good: What shape did he leave that in?

Mr. Ruston: I don't know if he was minister much longer than this minister or not, but—He wasn't?

Hon. Mr. Rhodes: I hold the record.

Mr. Ruston: The present minister holds the record, that's good. Well, that shows some of his capabilities, I'm sure.

Mr. Deans: We've ground to a complete halt. He's got the record for grinding.

Mr. Eakins: George McCague is going to get the minister's job.

Mr. Ruston: We had the leader of our party in Windsor yesterday and I was just listening to the radio.

Hon. Mr. Rhodes: Which one?

Mr. Ruston: Oh, I'm sure that the minister knows that.

Hon. Mr. Rhodes: Federal or provincial?

Mr. Ruston: Provincial, and that's our party. That's right. The only leader of my party is the provincial leader and I'm very glad to be with him. I was at the airport to meet him and travelled in Windsor all day yesterday.

Hon. Mr. Rhodes: Yes, he looked it.

Mr. Ruston: I might say that there was a poll at CKWW radio for an hour before he came on the hot-line. It was rather an interesting poll. There was 39 for the Liberals, 28 for the Conservatives and 20 for the NDP. I can't really figure out where the 28 Conservatives were because you know, there must have been somebody on that line all the time just calling in. You see, I've never heard that many before.

Hon. Mr. Rhodes: How did you get 39 Liberals to phone in all at the same time?

Mr. Ruston: They called each other.

Hon. Mr. Rhodes: Where did they come from?

Mr. Ruston: I don't know where they came from. They must have been calling in from Chatham. I think they were calling in from Chatham. Darcy McKeough must have had them calling in from Chatham.

Mr. Eakins: They used the WATS line out of Toronto.

Hon. Mr. Rhodes: You don't have that many in your caucus. Somebody called twice.

Mr. Ruston: I suppose we have a number of concerns. I met today with people from the Ministry of Housing and officials from

the Ministry of Housing with the township of Sandwich West. We're concerned about getting new sewage work put in the townships and we have a number of these that have been held back. I don't say they've been cut off. They've been held back for a year because the Ministry of the Environment has run out of funds, apparently. I think he's a pretty good fellow—

Hon. Mr. Kerr: A slight delay. Want some of those Wintario funds?

Mr. Ruston: I think he'll see that we are taken care of. We're all concerned to see the pollution abatement programmes carried out. I think that we are doing reasonably well in Ontario compared to the United States, although you know you never can do too much on that because we still have a lot of areas that need care and need pollution equipment, sewers, treatment plants and so forth put in. This is a concern to many people in Ontario and I question whether this is a place we should be cutting back. You always say, well, where should you cut? I think pollution abatement is something that should be a top priority.

Health care is of course a top priority and how many more do you have? Education, I suppose, but those three have to be on the front burner. I think they have to be on the front burner to keep them going.

Hon. Mr. Snow: Don't forget the highways.

Mr. Good: Your budget should be cut right off.

Mr. Ruston: We're concerned about these and we're hoping that the Treasurer will see that money is made available for these pollution disposal systems and abatement programmes throughout the province and, of course, in our own area.

We also have agricultural problems. It seems to me that weather conditions vary so much in agriculture. I just noted some of the turnout, the bushels per acre of soya beans, corn, tomatoes and different things like that in our area this year. It's amazing the variation you get because of weather conditions. I think I've noticed it more this year than in the last few years. I think from 1972 on, it has more or less evened out.

This year we have areas where soya beans, which is one of our major crops in western Ontario—especially Essex and Kent counties and Pelee Island—they went from—I had one fellow tell me last Saturday evening that he had 60 acres of soya beans and he got 400

bushels. The average crop in Ontario is about 30 bushels to the acre so you know what he got—he had a lot of work for nothing.

[9:15]

That was at a meeting in Windsor. The Minister of Consumer and Commercial Relations (Mr. Handleman) was speaking and explaining The Credit Union Act at the annual dinner and banquet of the credit unions of Essex county and the city of Windsor.

Farming this year in our area has had some real problems. Corn production is down as well. Wheat was a good crop. Some years if a farmer gets a poor crop but the price is way up, he's all right but this year I think the United States is trying to avoid too many exports so it could keep farm prices down during an election year. That way the politicians thought they could get the majority of the vote in the cities. Then Ford started realizing, when he was out campaigning in the farm states, that he was running into problems so then he started saying he would export more to help the farmers and probably put the price up a little. We find out now, I see from Mr. Jamieson, I think, who was over in Russia, that they have a bumper crop this year and may not need very many imports.

It's very unsettled. Beef prices are very low. To give members an idea of hog prices—I'm not sure there are too many hog farmers here—a year ago they were about \$85 a hundred and right now they are \$47. It's pretty hard to run a roller coaster and that's why I say we need a good farm stabilization or insurance bill to cover these types of catastrophies.

As members know, when a man starts a business and is trying to run it along, \$85 a hundred probably is higher than he needs; \$70 or \$75 may be what he should have, but it fluctuates. When it goes down that low, it can give him real problems especially if he's trying to buy according to the market. He has to be pretty careful.

It's a pretty unstable situation and it proves that we need a good farm stabilization Act to kind of cover these hills and valleys that we run through.

An hon. member: Better than the proposed one.

Mr. Ruston: Yes, better than the proposed one, especially when some of them are going to get only five per cent on top of nothing almost; or five per cent of whatever the low price might be. We'll get into that at another time and it's not necessary to speak

about it right now. That's one of the concerns we have.

The dairy farmers and some of the industrial milk shippers in the past year have had real problems. It's awfully easy for the Minister of Agriculture and Food here to get up and blame the Minister of Agriculture in Ottawa, and for him to get up and blame the Minister of Agriculture in Ontario for encouraging overproduction.

I had one of my constituents come in one day and show me his milk cheque which had \$2,700 taken off as a penalty because he had overshipped his quota. His total cheque was \$4,300 and \$2,700 was taken off. The government just can't do that. He was shipping about 1,700 pounds of milk a day. I asked him, "How did you get into this type of a position?"

He said, "I got an IMPIP loan. I got a Farm Credit Corporation loan; I'd had one previously. I got an IMPIP loan and I had only about a 400-pound class A quota and about 500 industrial milk. I had a chance last November or December to buy some class A quota at five cents a pound." Five cents or \$5? Five dollars. I've got so many things on the go.

He said, "I could have bought that and it would have protected me then for shipping. I would have had a class A quota." That gives him the top price for milk, around \$12 a hundred. He said, "One of the field men from the Ontario Milk Marketing Board said there was no use my buying that. I could ship all the industrial milk I wanted. I get only about \$1 per hundred less and don't have to invest any money, just keep on shipping the industrial milk."

So he didn't buy the class A quota and then, this spring the roof fell in on him. He said, "If I had realized, if I'd known, that that was going to happen I could have arranged to have bought some of the class A quota and I could have stayed in business. I would have been all right."

Well, he's been struggling along and with some changes lately I think he's going to be able to manage. But they really put him in a terrible situation.

So, who is at fault? Trying to control production is not easy, I realize that. But we don't get anywhere by saying the Minister of Agriculture in Ottawa and the dairy commission said we had to cut production. Then the Minister of Agriculture said a year ago we had to have more production. So they come out with the IMPIP loan. We've had some poor direction there some place.

I am not positive where the real blame is but I have to lay the blame at least 50 per cent here and 50 per cent in Ottawa. I don't know where else. There was poor communication there some place—from Ottawa probably in telling Ontario to cut down production; we are going to be overproducing. Maybe they didn't put it in writing. I think that was one of the things that were wrong. I think the Minister of Agriculture for Canada just made a statement that we were going to have to cut down production. I don't know how he notified the provinces. Anyway, this was poor communication some place and we certainly have to do something with that because that puts the farmer in a terrible position.

Now, of course, we're talking about imports. We are importing a limited amount of cheese—what is it?—50 million pounds a year, I think, from foreign countries. I suppose there has been a request to Ottawa to cut that out.

But you know, the Minister of Industry and Tourism for Ontario (Mr. Bennett) talks different to the Minister of Agriculture for Ontario.

He gets up and says the government of Ontario will continue to trade with any nation it wishes to. So if we are going to trade with them then it has to come back in. It's fine for Ottawa to say, put up a wall but if Ontario wants to trade, what do you do? Ottawa has no control. You can't have each province controlling imports and exports. So, I think the Minister of Industry and Tourism had better get together with the Minister of Agriculture and they had better start putting their speeches together. Because I have a speech here from the Minister of Industry and Tourism and it is certainly in complete conflict with the Minister of Agriculture for Ontario.

I don't think that we can really put a wall around our country and say we won't import. There's always a certain amount necessary even if you produce 95 per cent. I suppose people may like to taste a little bit of Swiss cheese; I don't know whether it's any better. They seem to think if it has the Swiss name on it, maybe it's a little better. I don't buy it myself. I make sure I only buy Canadian. That's what we have.

Of course, there was a strange thing about the Milk Marketing Board. It was putting on a campaign to sell more milk, "drink more milk." What was it, have a whisker of milk? I think there was some kind of campaign on with that. They had 12 of these little cars going around with people driving them. They were all painted white, with a sign on the

side. They were all imported cars; all 12 of them were imported cars.

Hon. Mr. Rhodes: Well?

Mr. Ruston: Well, not from Canada and the United States. We class American-made cars together because we have that auto pact. But they make small cars in Canada, you know. They make them in St. Thomas. They make them up in Quebec. They could have bought them just as cheaply. The Milk Marketing Board was saying we should cut off imports of cheese. But when they wanted to buy 12 cars to promote the sale of milk, they go out and buy 12 imported cars. They must have had a reason for it; I don't know. I just question it. I mean, it just seems kind of strange.

Hon. Mr. Rhodes: How about imported wine, Dick?

Mr. Ruston: No, Canadian wine, I'm not a heavy drinker, but I'll take the Canadian wine.

Hon. Mr. Rhodes: You see, it would be interesting—

Mr. Reid: John, you will drink any given quantity.

Mr. Hall: Don't knock the Ontario wines, John. Got to drink it, John. Getting better every year.

Mr. Ruston: You know, we get so much mail it is hard to keep track of it all but I have heard different people in the ministry talking about cutting down on the use of—being your own liquor control board—the ads on TV and everything. I was looking over the Liquor Licence Board of Ontario statistics. In the week ending April 17, there were 38 new applications for liquor licences. The week ending April 24, 36 applications were approved. The week ending May 15, 19 new applications; week ending June 26, 32 applications. I don't know—maybe the province should be its own Liquor Control Board. They are advertising on TV "be your own", you know, but they are not leading a very good example if that's what they are doing. It comes in the mail, Mr. Minister of Housing, and it's interesting—

Hon. Mr. Rhodes: Any in Essex North?

Mr. Ruston: No, I don't think so.

Hon. Mr. Rhodes: It is dry there.

Mr. Ruston: Oh no.

Mr. Eakins: Save it for the select committee, John.

Mr. Ruston: Mr. Speaker, we have a number of other items we'd like to speak on—I don't know if anyone wants to speak.

I suppose the select committee on highway safety will be coming in with its report in the near future. That's something I've been extremely interested in for some time, and I've been looking forward to what the report may be. I never made any presentations to the committee; I was out of town at the time they were in the Windsor area. I had a number in mind.

I know there have been some remarks about whether the age limit for driver's licences should be raised. I personally am against raising the age to 18. I think that 16 is still all right. Maybe we should have a better system of driver training, so that maybe everyone would have a driver training course before he gets his licence. Now they have some of them in schools, and I think that's an area we should be exploring.

I think we should be looking at our highway system, and whether we are building it for the maximum in safety: They've got the speed limit down to 60 now on our main four-lane thoroughfares. Of course, I suppose the majority of cars drive between 65 and 70.

Mr. Good: Between 70 and 75 on Highway 401—it is great.

Mr. Ruston: Another thing that ties in with the speed limit is the police chasing after someone who broke the law. We hear of so many cases where a car went out of control and someone was killed or injured in driving so fast.

Why can't we say to the manufacturers that the maximum speed of a car should not be over 85 miles an hour? With a speed limit of 60 or even 70, if you have to pass a car 85 certainly gives you all the passing ability you need. You could have police cars with a maximum speed probably of 95.

With a little enforcement that could be done, and I think it would solve an awful lot of our problems when it comes to the police chasing cars that may have been stolen, or whatever the case may be. It may sound a

pretty simple way but I still think it would work.

Many trucks are geared to go 65 miles an hour and they just can't go any faster. If you ever see one trying to pass another, he might spend three or four miles trying to get by him, because the maximum speed of some trucks is 65. They are geared to that speed by governors. I think that that's an area we should be looking at.

Another thing I'm concerned about are the rear end accidents. After some cars have been produced and sold, people then try to doctor them up. If you ever drove behind a car that had the back end jacked up about four feet, it's an awful looking sight. And if you were to ever run into that car, you are up into the gas tank and the accident happens before you know it. I think the province would have to get involved in that, because the federal regulations apply to when the car comes out of the factory. The province would have to get involved after, because these modifications are always done after the car has been purchased—

Mr. Good: You shouldn't allow modification.

Mr. Ruston: I think that the modification of cars is what it would cover, and that's what we would have to do.

Anyway, Mr. Speaker, the thing that I'm concerned about now is energy. I think that hydro rates are outrageous at 30 per cent wholesale at this time, which means about a 23 per cent increase at the retail level. It has been proven by good accountants that an 18 per cent raise would cover it at this time, and blending it out over the next five years. That's what we should be heading for. Thank you.

Mr. Deputy Speaker: Does any other member wish to become involved in this debate?

Hon. Mr. Rhodes: I must say, Mr. Speaker, that applause was certainly deserved.

Mr. Deans moved the adjournment of the House.

Motion agreed to.

On motion by Hon. Mr. Rhodes, the House adjourned at 9:30 p.m.

CONTENTS

Thursday, October 28, 1976

Budget debate, continued, Mr. Bain, Mr. Ruston	4229
Motion to adjourn debate, Mr. Deans, agreed to	4245
Motion to adjourn, Mr. Rhodes, agreed to	4245

SPEAKERS IN THIS ISSUE

Bain, R. (Timiskaming NDP)
 Bounsall, E. J. (Windsor-Sandwich NDP)
 Breithaupt, J. R. (Kitchener L)
 Cunningham, E. (Wentworth North L)
 Deans, I. (Wentworth NDP)
 Eakins, J. (Victoria-Haliburton L)
 Edighoffer, H. (Perth L)
 Good, E. R. (Waterloo North L)
 Hall, R. (Lincoln L)
 Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
 Kerrio, V. (Niagara Falls L)
 Laughren, F. (Nickel Belt NDP)
 Lewis, S.; Leader of the Opposition (Scarborough West NDP)
 Lupusella, A. (Dovercourt NDP)
 Moffatt, D. (Durham East NDP)
 Newman, B. (Windsor-Walkerville L)
 Parrott, Hon. H. C.; Minister of Colleges and Universities (Oxford PC)
 Reid, T. P. (Rainy River L)
 Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
 Rowe, Hon. R. D.; Speaker (Northumberland PC)
 Ruston, R. F. (Essex North L)
 Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
 Stokes, J. E.; Deputy Speaker (Lake Nipigon NDP)
 Villeneuve, O. F. (Stormont-Dundas-Glengarry PC)



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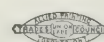
OFFICIAL REPORT — DAILY EDITION

Third Session of the 30th Parliament

Friday, October 29, 1976

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. (Phone 965-2159)

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LEGISLATURE OF ONTARIO

FRIDAY, OCTOBER 29, 1976

The House met at 10 a.m.

Prayers.

Mr. Speaker: Statements by the ministry. The hon. Minister of Consumer and Commercial Relations.

PROTECTION FOR BORROWERS AND DEPOSITORS

Hon. Mr. Handleman: Mr. Speaker, I would like to comment today on the Borrowers and Depositors Protection Bill which was tabled in the House of Commons this week by the Minister of Consumer and Corporate Affairs.

The Ontario government welcomes the federal government's efforts particularly in protecting borrowers against loan sharking and the excessive discounting of income tax refunds and welfare payments. However, I would like to point out that Ottawa did not write the book on consumer protection in the credit field. Ontario consumers have enjoyed the protection of cost of credit disclosure for 10 years.

Interjections.

Hon. Mr. Handleman: In fact, Ontario and the other provinces, by injecting themselves into the consultation process while the Act was in preparation, managed to persuade Ottawa to make substantial changes in the original proposals. These consultations began at the administrative level and continued in December, 1975, and February, 1976, at the ministerial level.

The most important change these talks brought about was the deletion of a registration system which would have required almost any credit-granting business to register, creating yet another huge, unmanageable bureaucracy at the federal level.

We have done everything possible to eliminate conflict over this Act between the provincial and federal jurisdictions. There are serious constitutional and administrative problems still to be overcome. The BNA Act gives the federal government exclusive jurisdiction over interest and we do not dispute

that jurisdiction. Contracts, however, fall within the provincial sphere, and I am sure our colleagues in Quebec will have something to say about that. We feel it may take some time before these problems are resolved and indeed they will probably end up in the courts.

Mr. Speaker, my ministry officials and I stand ready to work with Ottawa toward a resolution of the problems created by this new bill. Our first concern, of course, is for consumers and anything we can do to enhance their status as borrowers and depositors.

ENERGY CONSERVATION WEEK

Hon. Mr. Timbrell: Mr. Speaker, I would like to remind hon. members that the first week in November has been declared Energy Conservation Week in Ontario.

As members will know, the purpose of the week is to encourage greater public participation in cutting energy bills throughout the province. To highlight the week, on Monday, November 1, there will be a special night-time lightstick parade from Toronto City Hall to Queen's Park, involving Boy Scouts, Girl Guides and Air Cadets from around the province. I hope the hon. members will join me at the culmination of the parade at about 8 o'clock in the evening in front of the buildings to greet the marchers.

I have been greatly encouraged by the participation of groups across the province in Energy Conservation Week. High schools, colleges, universities, chambers of commerce, community groups, municipal governments and corporations have come forward in support of the programme and are undertaking a wide variety of special projects to assist in encouraging energy conservation.

I hope all members of the Legislature will take this opportunity to show leadership in their own communities by practising good energy management, especially next week, and in the months and years to come.

Mr. Speaker: Oral questions. The hon. Leader of the Opposition.

REED PAPER

Mr. Lewis: A question, if I may, of the Chairman of Cabinet. Can he tell us what he told Andy Rickard at 9:30 this morning in his meeting with him?

Hon. Mr. Brunelle: Well—

Mr. Lewis: I didn't think the question was terribly complicated. Just what did he say at the meeting?

Hon. Mr. Brunelle: Certainly, Mr. Speaker, I'd be pleased to answer although I thought this was a private conversation between Mr. Rickard and myself. However, since the Leader of the Opposition brings this up now—

Mr. Lewis: About the Reed Paper Company?

Mr. Speaker: Order, please. The question has been asked.

Hon. Mr. Brunelle: I indicated to Mr. Rickard that we would be prepared to consider financial assistance to Treaty No. 9 to prepare their case when they appear before the review board. I gave him a copy of the Premier's statement of yesterday and a transcript of Hansard as to the discussions that took place in this room between the Premier and the members, which mention that the Premier was prepared to appoint someone with a legal background who would be an independent chairman of this board; that it would be a very impartial board and that Treaty No. 9 would be provided with every assistance possible in order to present their case and in order to protect their rights. This was the gist of our conversation this morning.

Mr. Lewis: Thank you. May I ask, by—

Hon. Mr. Davis: Mr. Speaker, just as a further point of clarification so the members will all know; I understand that Mr. Rickard also asked that I confirm this by letter to him, which I found encouraging. The letter is presently being prepared and will be delivered to him this morning.

Mr. Lewis: Things are moving more rapidly toward the end of the week than they were at the beginning of the week. Can I ask the Premier, perhaps by way of supplementary: Is he saying that the government will underwrite the costs in total of any presentation which Treaty No. 9 would wish to make, should they decide to appear before the board? I don't know what Mr. Rickard will say at his press conference.

Hon. Mr. Davis: Mr. Speaker, I can't undertake to underwrite in total any costs. I think it's something that the Chairman of Cabinet, who has special responsibility here, has indicated to Mr. Rickard that he will talk to him about. Certainly, we want to be of assistance.

I think we have to get some indication from them on just what form their presentation is going to take and we certainly want to be helpful. I should further add that Mr. Rickard has asked to visit with me. He is going back to his own community for a couple of weeks and I'm indicating that representatives of the government or I, if I'm available, would be delighted to meet with him about this. It'll be in two or three weeks' time.

Mr. Kerrio: A supplementary, Mr. Speaker: Could we expect this same sort of co-operation on other environmental hearings throughout the province for people who are left to their own resources to present cases to environmental hearings?

Hon. Mr. Davis: No. I would say to the member for Niagara Falls that as much as this government is anxious to help everybody we can; reasonably I think to suggest this would become a uniform policy for every group or every individual making presentations to whatever government it may or may not be would be asking a bit much. I really couldn't give him that sort of assurance.

I think the hon. member, and I would hope all members, would recognize that this situation is unique. We are talking about an interest of the native people of this province whose resources are quite obviously limited and where from their standpoint there is, I think, a very genuine, legitimate concern. I would like to think the public generally and the taxpayers would understand that as a government we could make some assistance available without it becoming a matter of policy that anybody could seek government support for making presentations to the Environmental Review Board or any other government agency.

I think the hon. member surely can recognize what I think here is a very valid distinction, and I would hope all members of the House would recognize that.

TRAINING SCHOOL DEATH

Mr. Lewis: A question of the Minister of Correctional Services: Does the minister want to make, or does he feel he might make, a statement on the very sad story that appears

in the *Globe and Mail* this morning about the suicide of the young, 14-year-old girl in a training school? Can he, in the process of the reply, talk about the bitter irony which had that young girl presumably referred to the training school by a government ministry institution, Thistletown, under, I assume, section 8 of The Training Schools Act, which almost two years ago this assembly agreed should be abolished from the Act? Can the minister comment on that?

Hon. J. R. Smith: I'd be pleased to report to the hon. member. The story in today's *Globe and Mail* seems to be a debate between various professional treatment people, all of whom saw the girl prior to her admission to the training school and several of whom have not seen her for three years. My ministry was not involved in the child's case until after she was admitted to training school. Therefore, I don't think it is proper at this time that I should enter into the debate as to whether or not she should have been admitted to one of our schools.

It is a most unfortunate and a tragic incident and one such incident is too many. However, it might be pointed out that this was the first suicide of a child at a training school in the past 22 years. It speaks well of the staff supervision considering the fact that many seriously disturbed and acting-out young people are admitted to training schools and also considering the high rate of suicides amongst young people in the community.

An inquest will be held which will explore all the details surrounding her death and no doubt will make recommendations. As always in the case of such incidents in our institutions, we will co-operate fully with the coroner and provide him with all the information at our disposal. I feel it would be inappropriate to make any further comment pending the outcome of that inquest.

Mr. Lewis: I have a supplementary, if I may. Can the minister give us in the Legislature any sense when he will remove section 8 from The Training Schools Act as we passed in law in this Legislature almost two years ago, and without which section this referral could not have been made and therefore the consequences would not have followed? If the minister can't say that, can he tell us when he is going to close down the training school network altogether, as many have asked for years?

Hon. J. R. Smith: First, I think I should point out that I understand this young lady was committed under section 9.

Mr. Lewis: No, the minister has to be joking. Thistletown charged her as a delinquent and sent her to a training school?

Mr. Speaker: Order please.

Mr. Lewis: That's hard to believe.

Hon. J. R. Smith: The actual question of the proclamation of section 8 should be directed to the minister responsible for social development.

Mr. Lewis: I'm sorry, a supplementary, if I may: Is the minister saying that the Thistletown centre for the treatment of disturbed children brought a young girl of 14 to a training school through section 9, which requires an equivalent of a criminal act if performed by an adult, rather than section 8 which would require some particular treatment and supervision? I find that very hard to believe.

Hon. J. R. Smith: I'll have to wait until Monday or later this morning to clarify this for the hon. member.

Mr. Lewis: It could happen; section 9 covers delinquency.

Hon. J. R. Smith: I thought originally it was section 8 and then there's something that says to me that perhaps it was section 9. I'm not certain exactly as to under what section she was committed.

[10:15]

Mr. S. Smith: Is the minister conferring with his colleague, the Minister of Health (Mr. F. S. Miller), to see if the latter will finally introduce into the province a sufficient number of adolescent health care facilities with a closed door possibility, so that this type of thing doesn't have to occur?

Hon. J. R. Smith: Mr. Speaker, that particular minister has been very involved, particularly all through the summer months, visiting the centres, speaking with the juvenile and family court judges and developing a programme to bring forward a programme that will ensure that things like this don't happen.

Mr. Nixon: Supplementary: I wonder if the minister could tell the House why, if the suicide occurred August 20, it has just become public knowledge and concern now?

Hon. J. R. Smith: Mr. Speaker, that was reported in the press. I was informed by telephone at my home during the latter part of August, the day it happened, and I understand it was reported in the Peterborough

news media. It was public knowledge. But I found no mention of it in some papers like the *Globe and Mail*.

Mr. Nixon: If I might pursue it with another supplementary, Mr. Speaker, I realize that all of us are shocked at this matter, but has the minister, since he first heard of it many weeks ago, undertaken a review of the situation which has been brought to our attention in the House here today by the questions asked?

Mr. S. Smith: Good question.

Hon. J. R. Smith: Yes, we've reviewed it.

Mr. Nixon: Well, I wonder if we might have the advantage of the outcome of that review. It's not enough for him to say yes, he's reviewed it. What's happened in the weeks since August 20? Anything?

Hon. J. R. Smith: Mr. Speaker, an inquest is going to take place and we're going to co-operate fully with it.

Mrs. Campbell: Mr. Speaker, supplementary.

Mr. Speaker: Order please. A final supplementary on this, yes. The member for St. George.

Mrs. Campbell: Thank you. Since the minister has indicated that, as usual, there is ongoing dialogue between the government and family court judges to get all sorts of advice, would the minister in specific terms advise us not about discussions but what is put in place, in order that we may scrap this section, which we all agree should not be there? Would you tell us now?

Mr. Roy: Don't be bashful.

Hon. J. R. Smith: Mr. Speaker, the government has not decided as yet when to announce any new programme.

Mr. Lewis: You just don't have all the facilities.

Mrs. Campbell: You don't have any places.

Hon. J. R. Smith: There's obviously a definite need for secure facilities for emotionally disturbed and children with health related problems, some of whom are presently in the training school system.

Mrs. Campbell: That's not a definite answer.

Hon. J. R. Smith: I know the Provincial Secretary for Social Development has some

propositions to come forward to the government and perhaps the question should be directed to her.

Mr. S. Smith: Just a brief supplementary.

Mr. Speaker: That was the final supplementary. Any further questions? If not—

Mr. Lewis: Well, it's okay.

Mr. S. Smith: Just a quick one really. It's related—

Mr. Speaker: You'll have an opportunity if you wish to come back to this.

Mr. S. Smith: Thank you.

Mr. Speaker: Perhaps it's your turn now, is it?

HALTON LANDFILL SITE

Mr. Lewis: Just one question if I may, Mr. Speaker, of the Minister of the Environment: Why is the Minister of the Environment so quick to applaud the intended Tremaine-Britannia landfill site in Halton county when the agricultural rep on the staff of the Ministry of Agriculture and Food appeared before the regional council and spoke against the particular dump site which appears to be in prospect? When is the minister going to sort out the conflicts between the ministries; that is, between the Ministry of the Environment's priorities and those of the Ministry of Agriculture, to preserve agricultural land?

Hon. Mr. Kerr: Mr. Speaker, this could be comparable to the questions that the hon. member asked yesterday regarding Canborough. We have to understand the process and the provisions of The Environmental Assessment Act and the Board. The minister is not supposed to be involved. I have not applauded any decision of the regional council.

This is a local decision. They've had a consultant's report recommending four or five different sites. The Tremaine site is apparently the number one recommendation. They'll now carry out certain types of soil testing to see if it is an acceptable site. Then, when the region has that information, there will be a hearing before the Environmental Assessment Board. Everybody who is involved, including the citizens in that area, will be able to make representation to the board. The minister has to stay out of it until that stage and until the board's report is submitted to him. I have no real control over "Billy's boys" in Halton; when they want to make a comment about a site, fine—

Mr. Lewis: Confusing for the citizens.

Hon. Mr. Kerr: —I think they will make those comments at the hearing in any event. My people, I am sure, will make comments about the site and say that it is right or wrong. In the meantime, I have to stay out. And if the hon. member can do something about all those postcards I'm getting, please do. I am even getting them from Calgary.

Mr. Lewis: I mail them from almost anywhere I am at any given moment.

May I ask the minister, by way of supplementary, if he can do something about the widely reported understanding in the community that he, as minister, has indicated to members of the citizens' groups who have talked to him about Tremaine-Britannia, that he sees no reason at all why it shouldn't be a landfill site—the minister thought it might make a nice ski area when it was all over, so he is reported as saying—and that members of his ministry have already indicated approval of it in advance? How are the citizens supposed to cope with this when Agriculture and Food and Environment are taking opposite positions publicly?

Mr. S. Smith: By tippy-toeing between them.

Hon. Mr. Kerr: When delegations have come to see me, I have indicated to them the problems regarding the establishment of a sanitary landfill site. Nobody wants them in their area. All I have pleaded with these people is to give it a chance.

Mr. Dean: Give it a chance!

Hon. Mr. Kerr: I realize that aesthetically it isn't the best possible area.

Mr. Lewis: How about a few recycling plants?

Mr. S. Smith: What about your backyard?

Hon. Mr. Kerr: My backyard? I've got a rotocropper, which the hon. member hasn't got, by the way.

Hon. Mr. Davis: I've got two!

Hon. Mr. Kerr: And he's doing fine.

An hon. member: Yes, but yours flew away.

Hon. Mr. Davis: Where's yours?

Mr. Speaker: Order, please. The hon. minister will continue.

Hon. Mr. Kerr: Mr. Speaker, I have attempted to remain neutral.

Mr. Lewis: You've failed.

Hon. Mr. Kerr: I think I have.

Mr. Lewis: No, you haven't.

Hon. Mr. Kerr: I have indicated their concern to the regional council—

Interjection.

Hon. Mr. Kerr: —and, hopefully, when a decision is made—who knows, it may be in my backyard.

Mr. Speaker: The hon. member for Halton-Burlington wished to ask a supplementary, I believe.

Mr. Reed: Mr. Speaker, I wonder if the minister would explain to the House his ministry's position regarding the obvious alternative to landfill sites; that is, a comprehensive solid waste recovery programme which will make use of 100 per cent of the garbage input?

Hon. Mr. Kerr: First of all, there is no plant in existence that makes use of 100 per cent of garbage input—

Mr. Lewis: Then build one.

Hon. Mr. Kerr: There is always some residue going to sanitary landfill sites, regardless of the type of plant. However, the region has made an application to my ministry for a reclamation plant with separation and removal of sludge and things of that sort. It will be what we call a front-end plant. And I am expecting that that process and that application will be completed within a matter of weeks and that next spring that plant will commence construction.

Mr. Nixon: Supplementary, Mr. Speaker—

Mr. Speaker: Order, please. We'll have a supplementary here first of all. The member for Durham West.

Mr. Godfrey: Supplementary: In view of the fact that he has received two recent reports, one from Enviricon and the other from MacLaren-Dillon, pointing out very strongly that there is a good possibility of siting a solid waste reclamation plant in a proper area, and in view of the fact that we have such an area in the Hamilton area, would he not mount immediately, as a priority, an investigation to see if that would not be a suitable alternative to the Tremaine-Britannia land site?

Hon. Mr. Kerr: The proposal for a plant in Halton has top priority.

Mr. Speaker: The member for Brant-Oxford-Norfolk with a final supplementary on this.

Mr. Nixon: Mr. Speaker, I wonder if the minister would not agree that since no one wants a sanitary landfill site in his backyard and the problems are increasing as the sites established become filled up—even in the Peel area, I understand—why wouldn't the government now move for a comprehensive ban on a large percentage of the non-returnable containers, as has been urged upon him for such a long time and which he accepted, I believe, four years ago?

Hon. Mr. Kerr: As the hon. member knows we have new legislation and new regulations dealing with non-returnable containers.

Mr. Good: Five years from now.

Hon. Mr. Kerr: The proposals to ban non-returnable bottles, for example, are part of the debate of this Legislature.

Mr. Nixon: But the government accepted that years ago.

Hon. Mr. Kerr: I know, but that really is a very small percentage of the total waste that goes to a landfill site.

Mr. Nixon: But the minister is not prepared to take any reasonable steps to reduce solid waste.

Hon. Mr. Kerr: Yes, I am. As a matter of fact the whole question of banning non-returnables is still part of our new legislation and our new regulations. As I've indicated we're phasing this in and I expect that by next July—

Mr. Nixon: July, 1994.

Hon. Mr. Kerr: —there will be a definite commitment of what we are doing over the next three or four years.

Mr. Nixon: We've heard the government say that for the last four years.

TRAINING SCHOOL DEATH

Mr. S. Smith: I'm sorry to see the Minister of Correctional Services has momentarily left us. Perhaps then I'll direct the question, Mr. Speaker, to the Provincial Secretary for Social Development.

Can she tell us two things: First of all, when was the inquest ordered into the tragic suicide that we were discussing earlier? Was it ordered in August when the matter occurred or today, when the matter became

public knowledge in Toronto? That's the first question.

The second is: Can she tell us what facilities she has been organizing in order to permit the repeal of section 8 to be proclaimed and to have alternatives available for difficult, disturbed adolescents who need a closed door form of control for a period of time?

Hon. Mrs. Birch: Mr. Speaker, through you to the hon. member for Hamilton West, as to the date of the inquest I have no knowledge. I had no knowledge at all of the suicide that took place on August 20 until this morning, when I was notified, so that information will have to be forthcoming from the Minister of Correctional Services.

As to the other, I have spent the entire summer visiting family courts, observing what has been taking place within the family court system. I have had many meetings with family court judges, many meetings with agencies which are engaged in the protection of children. I have visited training schools and I have talked to children within those training schools.

I am just as disturbed as any member of the opposition that we continue to send children to training schools. I firmly believe that community resources should be in place to look after those children, and to those ends I am devoted and hope to bring about recommendations very quickly.

I have had a complete review done of the children in our training school systems under section 8. I have a review of every child within that system at the moment, with a placement ready for that child just as quickly as we can proclaim the repeal of section 8. I hope to have a recommendation before cabinet very quickly and I can assure the House that this government is just as interested in finding facilities within communities to help these children who so badly need medical help, not training school help.

Mrs. Campbell: In view of the fact that there have been endless reports on this subject; in view of the fact that the family court judges have for years made it quite clear that their hands were tied because they did not have these facilities available for these children, why would we spend the summer looking at the situation, rather than developing the funding that would enable us to have the facilities in place?

Hon. Mrs. Birch: Mr. Speaker, it was my summer and I spent it as I thought it best to be spent.

Some hon. members: Oh!

Hon. Mrs. Birch: That was in making sure for myself what was happening. I can say to the hon. member that some of those family court judges still insist that they need section 8, regardless of the resources they have in their communities. Until that is repealed that's the only way we are going to make them change their mind.

Mrs. Campbell: That's the point, it is in your hands.

[10:30]

Mr. Lewis: Can the minister consider spending her winter looking at the kids who are inappropriately in training schools under section 9, as apparently this young girl may well have been, because the consequences are equally destructive whatever the route may be? Might she therefore consider the repeal of the whole training school system rather than simply section 8?

Hon. Mrs. Birch: I too am disturbed about many of the children who are there under section 9, and that is something we will be making a lot of recommendations about.

Mr. Nixon: I wonder is the minister concerned, as I am, that she who has not only the wide policy responsibility but obviously a great personal interest in this important matter was not informed of the suicide until she saw it in the paper today when it occurred two months ago?

Hon. Mrs. Birch: I feel betrayed.

Mr. Lewis: By whom is the minister betrayed?

Hon. Mrs. Birch: By the officials and by the interministerial committee that I have reporting directly to me.

Mr. Lewis: By the minister's colleague, who heard about it on the day it occurred?

Hon. Mrs. Birch: Yes.

Mr. S. Smith: A question for the Minister of Correctional Services: In view of the statement just made by the Provincial Secretary of Social Development that she feels "betrayed" that she was not informed about the suicide which we have been speaking about today, what responsibility does he take for not informing the senior minister about this tragic event when he says he knew about it in August? Secondly, can he tell us when the inquest was ordered? Was it ordered in August or was it ordered today?

Hon. J. R. Smith: First of all, I heard the earlier question by the leader of the third party when I was outside. The date on which an inquest will be held is up to the coroner. An inquest on the death of a person in correctional facilities is always automatic. I understand the coroner didn't actually set the date. He was awaiting results of tests from the forensic science laboratories in Toronto. When that was received, he was going to set the date for the inquest.

Mr. S. Smith: Two months to get a test?

Hon. J. R. Smith: That is a question that should be directed to the coroner in Lindsay or wherever he is based in that part of Ontario.

As to the other question asked of the policy minister of being uninformed of the suicide, I apologize for the fact that she was not informed. In fact, it is a lack of communication, I suppose. On the other hand, there are suicides in the adult institutions from time to time and it has not been the policy to inform the social policy minister of these unfortunate deaths. As I say, this was public knowledge in the media in the Lindsay-Peterborough area at the time, and we tried not to conceal anything from anybody. A federal member of Parliament inquired about this in August.

Mr. S. Smith: A question for the Solicitor General then: Can he explain the delay by which a coroner has failed to order an inquest in this extraordinary event described by his colleague as the first such occurrence in 22 years? Can he explain the delay which has now taken two months allegedly to obtain certain tests and why mysteriously the delay is over the day it appears in the newspaper? Could he possibly explain that?

Hon. Mr. MacBeth: I assume that the coroner had an inquiry at the time of the death. Any unusual or violent death requires a coroner's examination. I assume that that was done although I don't know. I have not asked for a report on this matter. Generally speaking, one of the purposes, the main purpose, of the coroner's inquest is to find the cause of death. In this case the cause was I assume obvious although I don't know and I don't even know yet whether the coroner has asked for an inquest. I will get that information for the hon. member. I don't know whether a coroner's inquest has or has not yet been held or even requested. I will get that information, but as I say—

Mr. Nixon: Your colleague says there has to be an inquiry automatically.

Hon. Mr. MacBeth: No, you are getting mixed up between an inquest and an inquiry. When there is a violent death the coroner must attend, but whether or not he goes to the extent of having an inquest is another matter. As I say, generally, the main purpose of an inquest is to find the cause of death. It also has the purpose sometimes of examining whether a similar death can be prevented. In occupational locations where death occurs this is often the reason for having an inquest, to keep that from happening again. Maybe this is one of those occasions when that should take place, sir, and I'll get that information for the hon. member.

Mr. Singer: Mr. Speaker, by way of supplementary, surely the Solicitor General is being awfully pedantic when he says the cause of death is reasonably obvious? Surely, it must extend beyond—wouldn't the Solicitor General agree that it extends beyond actually what caused the death, perhaps the circumstances surrounding it, what motivated this young girl to take her own life in this way? What could be done in this reform institution to prevent further incidents like this? Surely he's not just talking about the actual cause which stopped her from breathing?

Hon. Mr. MacBeth: Mr. Speaker, I thought I made that clear. I said one of the reasons for holding it is to find out the cause of death—

Mr. Singer: The Solicitor General is looking for an escape hatch and he hasn't got one.

Hon. Mr. MacBeth: I'm not looking for any escape hatch.

Mr. Speaker: Order, please.

Hon. Mr. MacBeth: Let's go on. I said that there are other reasons for having an inquest and one of the other reasons one might have for holding an inquest—I wish sometimes the hon. member over there would listen. He's so involved with thinking up his next question that he doesn't listen to the answers to the former question. I said there are other reasons for having an inquest.

Mr. Roy: Obviously there are.

Mr. Singer: We know that.

Mr. Speaker: Order.

Hon. Mr. MacBeth: I think those reasons may exist in this case.

Interjection.

Mr. Speaker: Order, please.

Hon. Mr. MacBeth: I am agreeing with the last part of the member's question, but I wish he'd listen to my first answer.

LIQUID WASTE DISPOSAL

Mr. S. Smith: A question on a separate topic, Mr. Speaker, to the Minister of the Environment, regarding the Canborough disposal well.

In view of the minister's answer yesterday that he was monitoring the abandoned waste wells in the Sarnia area, how does that correspond with the information we have from his London regional office that he is not measuring the pressure loss in those wells, and it's that particular matter that would tell us whether wastes are travelling in the underground strata? According to his own officials there he is only monitoring some water wells surrounding the waste wells and not the pressure in the waste wells themselves. Can he get himself better informed about that or explain the discrepancy, please?

Hon. Mr. Kerr: Mr. Speaker, as far as monitoring the pressure is concerned, a great deal depends on the depth of the well. In talking about the Canborough well yesterday I made the point that it is about 3,000 feet deep and whether or not that particular well could be measured or monitored in that way was questionable.

I don't know who the member was talking to in the London office but my information is that at the wells in the Sarnia area, which are of a depth of anywhere from 200 feet to 400 feet or 500 feet, that type of monitoring does go on, as well as monitoring any adjacent water wells.

Mr. S. Smith: By way of supplementary, clearly there's a discrepancy between what the minister says and what his officials do. To move on to the Canborough matter itself, would the minister not agree that since the proposal he describes as going halfway to Peking is unique and it's the first time that such a thing has been contemplated in this province, it would be better to have the hearings under The Environmental Assessment Act rather than The Environmental Protection Act so that a very thorough hearing not merely as to whether it's economical, as the company says, but as to all the ramifications of this way of disposing of waste could be properly dealt with in a public forum? I'm personally very concerned about what he is doing.

Hon. Mr. Kerr: Mr. Speaker, if the hon. member was concerned he would have his facts correct. There's no intention of having a hearing under The Environmental Protection Act. That just isn't possible in our legislation today. The hearing will be under The Environmental Assessment Act and it will be the Environmental Assessment Board that will conduct the hearing.

Mr. Speaker: Further questions?

Mr. Roy: Mine is a new question.

Mr. Speaker: This is not a supplementary, is it? The hon. member for Beaches-Woodbine with a question.

PROVINCIAL LOTTERY

Ms. Bryden: Thank you, Mr. Speaker. I had intended to ask my question of the Minister of Culture and Recreation (Mr. Welch) who is responsible for the Ontario Lottery Corporation, but since he isn't here I'd like to direct it to the Premier, since it's a question of respect or disrespect for the Legislature.

I want to know is the government planning to bring in legislation to legalize the advertising of the Ontario Lottery Corporation for the new lottery which is to commence this weekend? They are advertising that the proceeds will go to medical research and to health-related environmental programmes. While I'm very much in favour of help for these activities, I cannot see that they are covered under the present legislation—

An hon. member: Question?

Ms. Bryden: —regarding the disposition of the proceeds.

Mr. Roy: She is right. They are not.

Mr. Speaker: I think the question was asked at the beginning.

Mr. Breaugh: Answer.

Mr. Wildman: Answer.

Hon. Mr. Davis: I still haven't heard the question yet. I heard a statement. If the hon. member is asking me for a legal opinion, she's asking the wrong person.

Mr. Ruston: We know that we don't ask the Treasurer (Mr. McKeough).

Mr. Roy: We know that we don't ask the Attorney General (Mr. McMurtry) for a legal opinion either.

Hon. Mr. Davis: I don't want to become provocative here this morning, but there are several lawyers opposite I wouldn't ask an opinion of either.

Mr. Roy: Our legal opinions have more standing in the Supreme Court than yours.

Hon. Mr. Davis: Several, including the member for Ottawa East (Mr. Roy).

Mr. Speaker: Order, please.

Mr. Ruston: We are batting a better batting average than you are.

Hon. Mr. Davis: In fact, after I listened to the debate between the member for Wilson Heights (Mr. Singer) and the Attorney General (Mr. McMurtry) yesterday, I'm not sure I would retain him on that particular issue either. In fact, I was sitting over here—

Mr. Speaker: Order please. The question was asked over here.

Hon. Mr. Davis: However, the Minister of Culture and Recreation has returned and he may wish to venture a legal opinion.

Mr. Speaker: Would the hon. member care to repeat her question—the question part, that is?

Ms. Bryden: May I then ask the Minister of Culture and Recreation, since the Act states that all proceeds must go to the promotion and development of physical fitness, sports, recreational and cultural activities and facilities therefor, how are proceeds from the new lottery going to go to medical research and health-related environmental programmes under that clause without the legislation being amended? If it has to be amended, is the lottery corporation anticipating an amendment and showing contempt for this Legislature? Certainly up to now the Win-tario money has never been made available for this kind of activity.

Hon. Mr. Welch: This government has never been in contempt of this Legislature.

Mr. Roy: Well you are.

Mr. Lewis: Even though you may feel that the Legislature is in contempt of government.

Mr. Renwick: Is that a legal opinion?

Mr. Speaker: Would the hon. minister please continue? Thank you.

Hon. Mr. Welch: From time to time we may have to regularize certain things.

Mr. Lewis: With a majority no doubt.

Hon. Mr. Davis: We regularize it without a majority. Some people chickened out.

Interjections.

Mr. Speaker: Order please. Let's get on. We're wasting valuable time here.

Hon. Mr. Welch: It's a matter of opinion whether it's valuable or not.

Mr. Lewis: Stop taunting them now. They may turn on you.

Hon. Mr. Davis: Oh, I don't doubt it at some point in time.

Mr. Cunningham: When you least expect it.

Hon. Mr. Welch: The lottery to which the hon. member makes reference is not a lottery being run by the Ontario Lottery Corporation, point number one.

Number two, the lottery is being run by the **Interprovincial Lottery Corporation**. Ontario is a party and has asked the Ontario Lottery Corporation to act as its agent. Therefore, Ontario has decided by order in council that the proceeds which are derived from that particular activity will be kept in Ontario, insofar as ticket sales in Ontario are concerned, and will be used for health research and health-related environmental matters. It's quite clear, and under the circumstances, Ontario has authorized the Ontario Lottery Corporation to enter into an agreement which falls under section 7 of the legislation to which the hon. member makes reference.

Ms. Bryden: Here is the Wintario Lottery News published by the Ontario Lottery Corporation which says: "Introducing the Provincial. Now a \$5 ticket." It seems to me that it appears to be being run by the Ontario Lottery Corporation which is governed by The Ontario Lottery Corporation Act.

Hon. Mr. Welch: I just told the hon. member that the Ontario Lottery Corporation has been designated as the agent insofar as this particular lottery corporation is concerned. The proceeds are coming to Ontario from the Interprovincial Lottery Corporation.

Mr. Roy: Just so I get the point, is the minister saying that he is collecting the moneys and he will be expending these moneys for whatever purposes he sees fit without consulting the Legislature? Is that what he is saying?

Mr. Lewis: That's right. That is exactly what he said. He said it nicely, but that is what he said.

Hon. Mr. Welch: No, that is not what I said.

Mr. Roy: What is it then if it is by order in council?

Hon. Mr. Welch: I would prefer to say it my way.

Hon. Mr. Davis: Because that will be the right way.

Mr. Breithaupt: It may take a little time.

Hon. Mr. Welch: I pointed out to the hon. member for Woodbine—

Mr. Breaugh: Woodbine is the racetrack.

Hon. Mr. Welch: —the member for Beaches-Woodbine, in response to a question as to why the proceeds of the Provincial lottery were not flowing to sports, recreation, culture and fitness under section 9 in the same way as the proceeds from Wintario were flowing, that this was a different arrangement because it was a lottery being run by the Interprovincial Lottery Corporation. A statement was made in this House last May—

Mr. Roy: I asked you then.

Hon. Mr. Welch: —so it should come as no surprise—last May—that the proceeds, insofar as Ontario ticket sales from the Provincial were concerned, were going to be used at this stage for health research and health-related environmental projects, and for such other priorities that from time to time would proceed. Indeed, the government authorized the entering into the agreement with respect to the Interprovincial Lottery Corporation and has designated that those proceeds would flow that way through the mechanisms to which I've made reference.

Mr. S. Smith: We said you would need an amendment.

Mr. Roy: A supplementary on that, Mr. Speaker. Didn't the minister say at that time—I think I asked him a question back in March—that he would be—

Hon. Mr. Welch: May.

Mr. Roy: —bringing legislation to the House? Didn't he say that? If he didn't say so, what he is saying here today is that he has decided how to spend the money without consulting us.

Hon. Mr. Welch: We announced last May—

Hon. Mr. Davis: You were told.

Mr. S. Smith: We were told, he says.

Mr. Roy: That's what I'm saying.

Hon. Mr. Davis: Don't you want it spent that way?

Hon. Mr. Welch: —that we were going to —that we had initially designated—does the member have some objection to that particular—

Interjections.

Mr. Speaker: Order, please.

Mr. Roy: No, just ask us. We might have some other priorities.

Mr. Speaker: The hon. member for Hamilton West with a supplementary.

Mr. Lewis: It took us a few months to get agitated about it as we reflected on it.

Mr. S. Smith: A supplementary question to the minister. In view of what he has just said, in view of the Premier's interjection which said we were told, and particularly in view of the recent statement by Dr. Fraser Mustard, author of the Mustard report, dean of health sciences at McMaster, that he has grave doubts because of the possibility that pouring this money totally into health research according to certain out-dated reports would overstress the present health research facilities, would the minister agree to give this House some opportunity to debate, however briefly, the use to which he is going to put these funds?

Hon. Mr. Welch: I would think, with the greatest respect, Dr. Mustard and several very learned people have shared with us views with respect to how we might avoid—

Mr. S. Smith: Us? What about this "us?" The Legislature? You know you regard us as "L'état, c'est vous." It comes from Louis XIV.

Mr. Nixon: It comes from Louis XIV; and I think he had his head cut off.

Hon. Mr. Davis: What was that again? Are you saying your leader is like Louis XIV? That's an insult. I wouldn't say that about him.

Mr. Roy: You are not as good looking.

Mr. Speaker: Order, please. Is there further answer?

Mr. Lewis: The leader says to complete the phrase, après moi, le déluge.

Mr. Nixon: Do we detect he is not very sure of his position on this?

Hon. Mr. Welch: Certainly no decision—I'm having some difficulty getting it across here because of all the interjections.

Hon. Mr. Davis: I will be quiet, Mr. House leader.

Mr. S. Smith: Let's debate it in the House.

Mr. Nixon: You just had a press conference on it.

Hon. Mr. Welch: I'll tell you, you're such a good actor—I'm now referring to the leader of the third party—that you should wear a costume on Sunday night and come to the first Provincial draw.

Hon. Mr. McKeough: He wouldn't have to wear a costume.

Mr. Reid: We understand you don't have to wear one.

Hon. Mr. Welch: If you're so interested in getting an answer from me just sit back and give me a chance to answer. You're frustrating me from giving an answer.

Mr. Speaker: Order, please. Is there a further answer to the question, whatever it was?

Mr. Ruston: You are making it political. Political is all you are.

Mr. Roy: You can't even run the lottery.

Mr. Speaker: Order, please. You would almost think it was Hallowe'en here this morning. Will the hon. minister please complete his answer if there is further reply? If not, we'll get on to the next question.

Mr. Nixon: If there is one.

Hon. Mr. Welch: Would I please complete the answer? I've been trying for five minutes to complete the answer.

Mr. Roy: That shows how incompetent you are. You can't even answer.

Hon. Mr. Welch: There are a number of possible projects presently being considered. The views of Dr. Mustard and a number of other learned people have already been shared with those who are charged with some responsibility to come forward with some advice.

Mr. Roy: An in group.

Hon. Mr. Welch: I will be glad to report to the House when we have something more definite with respect to specific projects in line

with the general designation of health research and health related environmental matters.

Interjections.

Mr. S. Smith: It's \$50 million you are talking about; well let's talk about it.

Mr. B. Newman: May I ask of the minister, as a supplementary, whether the ministry has provided any funds to date for any type of health-related research or assistance to individuals who wished to use Wintario or the new funds for certain health problems that they may have had or still have?

Mr. Good: Have you paid any money out?

Mr. B. Newman: Have you paid moneys out?

Hon. Mr. Welch: There is no money paid out yet. The first draw is not till Sunday night. There are no proceeds at the moment.

Mr. Ruston: Darcy has used the money, eh?

Hon. Mr. Davis: Have you bought your ticket yet?

Mr. Roy: How many tickets did you buy?

Mr. Speaker: The member for Kitchener-Wilmot with a question.

An hon. member: Too bad, Albert. You had your turn.

Mr. Roy: I was looking forward to Darcy all morning.

POST-SECONDARY EDUCATION COSTS

Mr. Sweeney: Mr. Speaker, a question of the Ministry of Colleges and Universities: In view of the distinct possibility that there will be an increase in tuition fees for post-secondary students, can the minister tell us on what basis that decision is going to be made and what criterion is going to be used to decide the amount of that increase?

Hon. Mr. Parrott: I'll provide that information at the appropriate time, and it is not today.

Mr. Nixon: What is more appropriate than today?

Mr. Speaker: The question period has expired.

POINT OF ORDER

Mr. Singer: Mr. Speaker, on a point of order: I am sure the Solicitor General would not have deliberately misinformed the House. However, I want to draw to his attention and to your attention, sir, the provisions of section 9(4) of The Coroners Act, which says:

Where a person dies while detained or in actual custody of a peace officer, or while an inmate on the premises—

Hon. Mr. Kerr: What is the difference between detained and imprisoned?

Mr. Singer: It continues:

—of a correctional institution, lockup or training school [and training school was where this girl was detained] the peace officer or official in charge of the lockup or the training school, as the case may be, shall immediately give notice of the death to the coroner and the coroner shall issue his warrant to hold an inquest upon the body.

That's quite contrary to what the hon. minister said.

Mr. Lewis: That's what John Smith said.

Mr. S. Smith: That's right. What a bunch over there; incompetent.

Mr. Roy: Wrong again. Small wonder you get in trouble with that type of legal advice.

Hon. Mr. MacBeth: I just checked with the coroner himself and he assures me that the Hon. Mr. Justice Singer is quite correct in his interpretation of the law.

Mr. Reid: As usual.

Mr. S. Smith: What has been the two-month delay then?

TRAINING SCHOOL DEATH

Hon. J. R. Smith: Mr. Speaker, in view of the seriousness of the incident that has been discussed here this morning I feel it incumbent upon me to report to the House the absolutely exact nature, as I now have it, of the circumstances surrounding this girl being admitted to the school.

Mr. Roy: He is out of order with it.

Hon. J. R. Smith: I am informed she was at Thistletown—

Mr. Speaker: Order, please. Do we have the permission of the House to revert to

either an extended question period or ministerial statements to answer a question? Is that all right? Do we agree?

Agreed.

Mr. Speaker: All right, the hon. minister may continue. I believe it's in answer to the Leader of the Opposition's question.

Hon. J. R. Smith: Yes, Mr. Speaker, to the opposition, she was at Thistletown until she appeared in family court on May 18 on a charge of break-and-enter and theft. On May 18 she was placed on probation and the case adjourned until Sept. 14 on condition that probation would be terminated if her behaviour was satisfactory. Unfortunately, her behaviour continued to deteriorate and she appeared in court six times between May 18 and July 7, and on July 7 she was charged and appeared in court before a judge on a common assault charge, at which time she was committed to training school.

Mr. Lewis: Was she at Thistletown all that time?

Hon. J. R. Smith: She went from court to the Oakville assessment and reception centre at Oakville and subsequently Kawartha Lakes School in Lindsay.

Mr. Lewis: Just a question of information and clarification, Mr. Speaker: During the period of the various criminal violations, was she within Thistletown? Was it Thistletown that was looking after this young girl?

Hon. J. R. Smith: Mr. Speaker, I don't have that. I'll find out for the hon. member.

Mr. Speaker: Petitions.
Presenting reports.

REPORT

Hon. Mr. Timbrell: I am tabling today a copy of a report prepared by Ontario Hydro on the costing and pricing of electricity, and three copies of the study overview. In your upper gallery, Mr. Speaker, there are Mr. Gordon Davidson, the chairman of the study team, and Mr. David Dent, the senior economist of the team.

The study, which grew out of recommendations of Task Force Hydro and the Ontario Energy Board, was formally launched by the Ontario Hydro Board in September 1974—only a few months, in fact, after that board had come into existence. At that time it received the wholehearted support of the then Minister of Energy. It is one of the

most exhaustive studies of this subject that has ever been made anywhere.

While the report makes a series of recommendations, it should be borne in mind that these are recommendations of the study team, and not of Ontario Hydro. Indeed, in its letter of transmittal the Hydro board explicitly states that it "does not take any position at this time with respect to the conclusions and recommendations contained in the report." It goes on to say that it "wants to make it perfectly clear that the whole purpose of the exercise from its inception has been to prepare a document that will serve as a useful focus of discussion concerning the development of an appropriate pricing structure for the electric power system in Ontario."

Basically, it is a study of how the costs incurred by Hydro to provide electricity should be charged to various customer groups and how those costs should be recovered from individual customers within those groups through pricing.

It is the 10 volumes of this very lengthy and detailed report that I am tabling today, along with the three copies of the overview. Copies of volume one, which gives an overview of the entire report, are available for members, and each caucus will receive a copy of the full 10-volume text when these are received from the printer within the next week to 10 days.

The study covers four basic areas—costing, pricing, demand elasticity and impact. The study group which Ontario Hydro established was directed to study and, where appropriate, make recommendations concerning:

1. The principles and methods for determining electricity costs and for allocating these costs to customer groups;
2. Electricity pricing policies and rate structures for all end users of electricity in the province;
3. The demand for electricity as it is affected by income, price and the prices of alternative energy sources; and
4. The effect that changes in the costing and pricing of electricity have on customers and the economy in Ontario.

The study group has concluded that some form of marginal cost pricing should be the basis of electricity pricing in Ontario. If the marginal cost principle is accepted as the basis for pricing, it would mean the end of the declining block rate structure for the residential consumer. It would mean the end of flat-rate water heaters and consideration

of ending the bulk metering of apartment buildings where that is economically feasible. It would mean that interruptible power and time of day and seasonal rates for large industrial customers would be introduced or expanded. It would mean that when each customer makes a decision whether or not to consume electric power, the objective would be to have the expense or saving he or she experiences equal the expense or saving experienced by Hydro as a result of his or her decision.

You will note, sir, that some of the proposals made by the study group are similar to recommendations made by the select committee which inquired into Hydro's 1976 bulk power rates. I plan, in fact, to table the government's response to that report next week.

Apart from marginal cost pricing, the study group looked into four other possible approaches or principles upon which electricity pricing could be based. These are: average cost pricing, pricing to minimize environmental impact, pricing for conservation, and pricing for income redistribution. After investigating each of these alternatives, the group concluded that marginal cost pricing resulted in the most efficient use of resources to produce electricity as well as contributing positively towards the desirable characteristics of the other pricing philosophies reviewed. Marginal cost pricing was also felt to be consistent with Ontario Hydro's objective to sell power at the lowest feasible cost. Although the proposals made in the report would change the rate structure through which Hydro's revenues are generated, they would not result in an increase in total revenues.

At present the residential customer is charged on what is known as the declining block rate structure. That is, a relatively high rate is charged for the first block of kilowatt-hours used, usually 50; the second block of kilowatt-hours, however, is less expensive than the first and the third less expensive still. This type of rate structure is sometimes criticized as favouring the large user and encouraging the increased consumption of electricity.

[11:00]

The residential rate structure proposed by the Hydro study group would have two components. The first would be a fixed customer charge, based on the fixed costs associated with keeping that customer connected to the system. The second would be a charge for

the electricity actually consumed. It would be based on a fixed price for each kilowatt hour multiplied by the total consumption. The study group has concluded that such a pricing approach would discourage the wasteful and unnecessary use of electrical energy.

Because of the importance of this study, I have referred it to the Ontario Energy Board which will begin public hearings on it around May of next year. A specific reference to the OEB will be made in early January outlining in detail how the public hearings should be conducted. I should emphasize that because of the public hearing process, it is unlikely that any of the rate proposals, if accepted, could be implemented before January 1, 1979.

I have asked Ontario Hydro to circulate copies of the report to interested individuals and organizations for their information. Arrangements have also been made for the report to be sold through the Ontario government bookstore. It is my intention to encourage the widest possible discussion and understanding of the implications of this study as it could have a significant impact on the way electricity is priced in this province for every consumer.

POINT OF ORDER

Mr. Foulds: On a point of order, Mr. Speaker: As the minister did not move the adoption of the report, which I believe he just tabled for discussion purposes, would it not have been more appropriate for the minister to make his remarks as a ministerial statement indicating that he would table the report later?

Mr. Speaker: It's a matter of choice. It is done both ways. Quite often there's a statement when a report is tabled in the normal manner, as there was yesterday and ever since I have been around here. Occasionally there is a statement preceding, but it's not necessary. It is at the discretion of the minister himself.

Mr. Foulds: Mr. Speaker, could I pursue it just for a second? I would like you to examine the precedents, because as long as I can remember in the House, which is a much lesser time than yours admittedly, a long statement such as the minister made has only been made by a speaker who moved the adoption of his report. I would like you to examine the precedents and report back.

Hon. Mr. Timbrell: Mr. Speaker, I had considered making it a statement, but inas-

much as that would have involved a statement and then another shorter statement at the time of tabling, my decision was to do it all at once. As I pointed out, the report is going to the Energy Board. It is there now so that they can begin the necessary staff work to evaluate the more than 1,000 pages of the report. In January I will send the Energy Board a specific reference indicating how, as I said in the statement, the hearings are to be conducted. Then I anticipate by May 1 at the very latest the hearings will begin. Staff from the member's caucus were at the briefing session this morning where this was gone over and they have the schedule.

Mr. Foulds: My point was simply a procedural one.

Mr. Speaker: As I say, occasionally the statement is made at the ministerial statement period, and at other times they are at the presentation of reports. I presume it is at the discretion of the minister when it is more appropriate. There is no precedent set any more than there has been throughout history here.

Hon. Mr. McMurtry presented the report of the Law Foundation of Ontario for the year 1975.

Mr. Speaker: Motions.
Introduction of bills.

ONTARIO WASTE DISPOSAL AND RECLAMATION COMMISSION ACT

Mr. B. Newman moved first reading of Bill 160, An Act to establish The Ontario Waste Disposal and Reclamation Commission.

Motion agreed to.

Mr. B. Newman: Mr. Speaker, the bill establishes an Ontario waste disposal and reclamation commission to have authority over matters concerning the disposal, reclamation and recycling of liquid, solid or gaseous wastes, with particular reference to the possible development of energy from these sources. In light of today's discussions in the chamber, my suggestion would resolve many of the problems. As an aside, this was first introduced in this House in 1973.

Mr. Speaker: Orders of the day.

BUDGET DEBATE

(continued)

Resumption of the adjourned debate on the amendment to the motion that this House

approves in general the budgetary policy of the government.

Mr. Ziemba: Let me be the first member this session, Mr. Speaker, to congratulate you on how you conduct the affairs of this House. I'm sure all members believe you are a real credit to this Legislature and I just want to put that on the record.

This Conservative government's private enterprise attitude toward succession duties, home buyer grants, tax credits, and particularly health care, is ripping off the citizens of Ontario for millions of dollars. I have the privilege of serving on the public accounts committee and until now I believed, as many people did, that the Conservatives had an instinct for economic management. But I find now, as do many people, that the Tories are not as good managers of the economy as people once thought they were. I'm going to try today to describe how the Conservative government's private enterprise approach is the root cause of many of our social and economic problems today.

We'll start with succession duties. In 1974, this province received \$88 million in succession duties. The following year, in 1975, it dropped to \$78 million; in 1976 it dropped further still to \$64 million; and in 1977 we expect it will drop to \$62 million. Why is that, especially when we're talking about estates in excess of a quarter of a million dollars? It's obvious that the government isn't interested in collecting succession duties, a fairly equitable tax, from wealthy people. Its lack of interest is shown by the fact that it has cut down the number of auditors to one-third what it had in 1974; these auditors are charged with the responsibility of travelling around the province and assessing these estates. Too many rich people, I guess, are having to pay succession duties and the government doesn't want to antagonize any of its friends.

Home buyers' grants are something that have been coming up quite a bit lately. The government had originally budgeted for \$50 million and will wind up giving away \$130 million. One out of every 10 turned out to be either fraudulent or paid in error—people had homes previously or grants were paid for units that weren't even built or people were applying for grants for summer cottages.

Contrast that with the means test and the investigations that go on when people apply for welfare or even our basic social services. I'm sure members have, as I have, attended with constituents and witnessed the amount of indignity, undisguised as far as the bureau-

crats are concerned, which is heaped on these people.

Another ripoff of the public purse which will come to light in the coming weeks is the tax credits. What started out as a very progressive move ends up, because of government bungling and the government's lack of economic management, as a ripoff of the public purse. Until July 1, anyone could get a social insurance card just for the mailing. In fact, I heard of one case in which a fellow got a social insurance card for his dog. That came out when visitors to this country were found to be getting social insurance cards and being able to work. The federal government tightened up that policy on July 1 but, prior to that, thousands of social insurance cards were made out. Because the government used the social insurance card as the main criterion for checking out the tax credits that people applied for, once that was established, the credit would be sent out.

I have received a letter from the Royal Canadian Mounted Police, and I'm going to just read it into the record; it may prove interesting.

Receipt is acknowledged of your letter dated October 8, 1976, relating to the alleged fraud involving Ontario property tax credits. While I understand Inspector Brown of our commercial crime section provided you with details of our investigation as per your telephone conversation with him on October 18, 1976, I am setting out hereunder a résumé of the facts known to us in answer to the questions raised in your letter.

In co-operation with other police departments, we have investigated several instances of frauds of this nature during the past six months. To date, Criminal Code charges have been laid in three cases. In St. Catharines 10 persons are charged with conspiracy to commit fraud and five other individuals are charged with fraud-related offences. This particular investigation is still ongoing and the amount involved is approximately \$80,000. The other two cases are in Toronto where two persons are charged separately with fraud, involving approximately \$33,000 and \$10,000 respectively. Thus, the total fraud we are aware of at this time involving Ontario property tax credits amounts to \$123,000.

Revenue Canada, Taxation, referred these matters to us for investigation in the first instance and we are completely aware of the facts of the cases. I understand that the department is taking corrective meas-

ures to prevent recurrence of this type of fraud in the future.

Yours sincerely,
F. A. Howe, Superintendent
Officer in Charge
Criminal Operations Branch
Royal Canadian Mounted
Police.

This is just the tip of the frauds they're going to turn up. If it was just available for the asking, if people just had to fill in a tax credit form with their T-4 slip and use a social insurance number, I can imagine the thousands that were sent out. In fact, in this St. Catharines group a handful of people apparently got \$80,000. Again, if only the government had taken the basic steps in monitoring this system, we wouldn't have to be into this post-auditing mess and be out all this money.

At this point, I'd like to zero in on the health delivery system in this province. Forty years ago, a dedicated Ontario doctor wrote—and I quote:

The situation which is confronting medicine today is a contest of two forces in medicine itself. One holds that the important thing is the maintenance of our vested historical interests, our private property, our monopoly of health distribution; and the other contends that the function of medicine is greater than the maintenance of the doctor's position, that the security of the people's health is our primary duty and that we are above professional privileges.

That was Dr. Norman Bethune. Truer words were never spoken, then or now. Bethune was the first to suggest the mandate for the medical delivery system that we have in this province today. But I saw the mandate for providing this service starting in the province in which I was born, Saskatchewan. The year was 1943 and the government was a CCF one. The Premier was that great Canadian, Tommy Douglas. That was 1943, and that CCF government carried out its mandate of instituting Medicare as we know it today. That was a generation ago, and whether this government likes it or not, no government can now reverse this progressive social move.

[11:15]

So what I have is a cursory examination of the performance of the delivery of medical care services to the people of Ontario. I'm going to start, as my first example, with the Ontario drug benefit plan. Up until last year, the Ontario drug benefit plan was only available to the disabled and the socially assisted.

In 1975 our senior citizens, 1,000,000 of them, were added to the plan. The cost in 1975 of this plan was \$7.9 million. In 1976 the cost went to \$34,737,500. In 1977 we expect it to be \$57,190,000.

The Ontario Pharmaceutical Association, representing 1,600 pharmacies, insisted on the 30-day supply limit as its price for co-operating in the drug plan, the argument being that welfare recipients could end up with a job and be in a position to pay for their own drugs, so why should the government pay for them and why extend the plan over too long a term. This was very thoughtful and perceptive of them.

However, what the pharmacists didn't say was every time a prescription was renewed a new dispensing fee could be charged, so why not have them coming back every 30 days.

Now, however, we have 1,000,000 senior citizens added to the plan. Thirty to 40 per cent of the prescriptions filled under it are for maintenance drugs only, long-term drugs. The welfare argument no longer applies. Still, under the terms of the agreement with the Ontario Pharmaceutical Association, these long-term prescriptions must be renewed every 30 days, with the pharmacies earning a dispensing fee each time.

The average price of a prescription is \$4.50. The dispensing fee included in this price can range from \$2.05 to \$2.60.

Let me read a letter I received from an Etobicoke woman:

I am inclined to have slightly elevated blood pressure and have been taking two 25 milligrams of hydrochlorothiazide tablets per week. I purchased 100 of these tablets on December 19, 1974, and these sufficed until early in December, 1975. My doctor then gave me another prescription for the same kind of tablet and I decided to use, for the first time, my privilege card for drug benefits. And since I was determined to get the best deal possible for the government [there's a very considerate woman] I took my prescription to three different local pharmacies and asked the price of 100 tablets. I received these quotations: \$3.60, \$3.65, and \$3.31.

Now, when I presented my privilege card, I was promptly informed that I could have only a month's supply. Since I needed the tablets I had the prescription filled—for nine tablets. [Nine tablets instead of 100.] I asked the pharmacist what he would charge the government for that prescription. It was \$2.35. I multiplied \$2.35 by 12 and obtained \$28.20. Then my blood pres-

sure really rose! I could purchase a year's supply of my needed tablets for \$3.31 but under the drug benefit plan the taxpayers would have to pay \$28.20—a bonus for the pharmacist of \$24.89, minus the cost of 11 plastic containers, extras which just add to our pollution problem.

Most citizens are delighted that such a plan has been implemented and do not object to supporting it with their taxes. But this is no reason why they should be asked to pay exorbitant sums to a business group that was doing quite well financially even before the drug benefit plan came into effect.

Good point.

Here's a Star article of September 18, 1976, headed "Nursing Home Ripoff. OHIP Was Cheated: Doctor." It states:

Many doctors treating patients in homes for the aged and nursing homes are cheating the taxpayers through unjustified billings to the Ontario Health Insurance Plan, OHIP, a Metro coroner charged yesterday.

Dr. Margaret Milton said one doctor working out of a nursing home charged OHIP \$3,895 for a claimed 921 visits in a single month last year. The same doctor in a different month of the same year—1975—billed OHIP \$3,849 for 910 visits, she said.

That's 40 patients a day.

Nursing Homes: Elderly residents of nursing homes are sitting ducks not only for medical doctors, but for podiatrists and private lab operators as well. I have come across one Toronto nursing home with 252 residents where they have a doctor's office immediately next door. The doctor, rather than being on a contract, is paid on a fee-for-service basis. As far as I am concerned, when that fellow goes down the hall he may as well be pushing a cash register because he can write his own ticket every day of the week.

The patients of the nursing home are a captive group who are accustomed to submitting to tests and seldom question blood tests. There is a private lab that comes regularly and, whether they need it or not, they are subjected to tests, as considerable inconvenience to some of the people. This is the private enterprise attitude, the private enterprise approach, to health care. Write your own ticket on a fee for service basis.

Podiatrists: On June 22 the Minister of Health (Mr. F. S. Miller) admitted in this

House that podiatrists can go through a nursing home and bill OHIP \$2,000 for an hour's work. They are foot doctors and they deal in corns. At \$2.50 a corn times 10, it adds up. It is \$2,000 for an hour's work. The Conservative government looks the other way and allows public funds to be ripped off in this way. Instead they close down small community hospitals and psychiatric facilities without consideration for the impact on the communities involved.

Let me read you a letter, Mr. Speaker, from a woman in Thunder Bay. She says:

My daughter, 28 years old, who lives in Atikokan, Ontario, had to wait from July, 1975, until October 23, 1975, to get an appointment with a doctor in Thunder Bay, and then had to wait until December 7 for a hospital bed. When her problem was finally looked into, a bone biopsy was finally done on Dec. 17. [That's from July to December.] She was found to have bone cancer in her arm, and since the doctors here were unable to do anything for her at this point, they arranged for her to go to the Mayo Clinic in Rochester where she had her case diagnosed in one day. The next day, December 30, they had to amputate her right arm and shoulder, because by now the tumour had penetrated too deeply and they were forced to do this radical an amputation. I feel that had she not had to wait so long to see a doctor and for a hospital bed, she may have been spared some of this heartbreaking situation.

Last year 812 physicians billed OHIP at least \$100,000 each. The total payments under OHIP jumped \$90 million to a record \$648 million. Let's break down the figure for general practitioners. The average general practitioner's OHIP billing per patient is \$11.32; based on a normal work week that works out that each patient is allotted 11 minutes. That is \$1 a minute. And this Conservative government tolerates this practice.

Here's another article which I found interesting: "Show Me Your Money; Paying Doctors by the Case Load Is Called Corrupting." It's written in Dublin.

Fee-for-service payment for medical care corrupts doctors, leading them to charge for bad or needless care, two British doctors claimed yesterday.

Dr. J. L. Stevens of Aldeburgh, Suffolk, a general practitioner who worked in Canada for three months, said, "I became aware of the system corrupting me."

He said his nephew, a young Canadian physician "makes \$80,000 a year working from 9 a.m. to 11 p.m. doing useless bloody fee-for-service practice. I do think Canadians are on the wrong track. Fee for service is the road to hell."

Dr. H. A. F. Dudley, of London, a surgeon, said as a patient himself, attended by a fee-for-service physician, he had been billed for a respiratory function test by a doctor who put a stethoscope briefly on his back.

"I would do the same, I'm corruptible," he admitted.

Stevens said fees-for-service doctors become obsessed with money and their attitude is "show me your greenbacks and I'll be nice to you."

Under the British National Health Service, Stevens is paid a flat rate to provide all the care needed by the 2,500 people assigned to him.

In Ontario most doctors are paid on a fee-for-service basis and Ontario Deputy Minister of Health Allan Backley recently told the Star that the government has no intention of changing it.

One hundred and twenty-four million dollars is wasted on needless surgery and some money hungry surgeons see our non-vital organs as a simple source of revenue.

Mr. Ruston: Money hungry? How about Morty?

Mr. Ziembra: Tonsils, gall stones, appendix, hemorrhoids, adenoids, male prostrate glands.

More tonsils are removed in Ontario than in any other jurisdiction in Canada, or the world, at a cost of \$13 million. Of every 10,000 Ontario children, 200 had their adenoids or tonsils removed.

Of every 10,000 New England children, 70 had their adenoids or tonsils removed and the figure drops. In Liverpool, England, 26; Uppsala, Sweden, only 17. We would save \$10 million of that \$13 million if we followed the UK example. The period 1973-74 saw the removal of 27,000 gall bladders. If the present trend continues one out of every 10 of us will be minus a gall bladder before we die. There is \$124 million wasted on unnecessary surgery which also exposes people to unnecessary dangers.

I'm going to read this letter from a woman in Toronto.

I completely support the recent revelations concerning certain doctors involved

in unethical, perhaps illegal, arrangements whereby payments are made to these persons directly or indirectly, some of which payments apparently are designed to also avoid income tax.

I have reasons to believe that in the case of Dr. [I won't mention his name] these matters go further. On certain occasions, Dr. X has indicated that he has processed a great number of OHIP cards, shall we say, without having seen the patient or without having performed any medical services. It is unfortunate that these actions may be hard to trace or prove, but nonetheless they exist and the general public pays. On at least one occasion, Dr. X indicated that he feared an investigation would not be to his benefit, to say the least, which indicated then an investigation was overdue. At least if one example could be made the others inclined to engage in this activity would be persuaded to be honest.

As it turned out, Dr. X was investigated and they found that he was ordering a great number of lab tests and was billing for work that was unnecessary and wasn't even performed.

I found that he suspected everyone of having liver disorders, whether it was a 70-year-old man or a brand new baby, and he had them all take lab tests, sometimes at two labs a day, for this disorder. They caught up with him and he has since had his licence lifted for six months, but he will be open again for business in time for Christmas.

[11:30]

Over the first part of this year I visited a great number of Ontario's private labs, and I have come to understand how a number of these private lab operators rip off OHIP for millions of dollars. I am going to take you briefly, Mr. Speaker, to the lab nether world and describe some of the fraud and abuse. The Minister of Health couldn't believe that \$66 million would be spent on the private labs, but I have learned that it was only recently, this summer, that the lab billing levelled off; in fact, it's now dropping.

When I first started with the lab investigations, one doctor said to me: "Whatever you do, don't give this lab any publicity, because every doctor I know will want to deal with it since they are all after kickbacks." I hope that's not true. Sixty-six million dollars has been paid to the private labs, and I found kickbacks were regarded by some doctors as

a cost of doing business. Kickbacks take the form of straight cash or expensive gifts—furniture or trips to Europe. Another form of kickback is the payment of rent for part of the physician's office or payment of the salaries of one or more of the physician's employees.

There are four basic schemes used to rip off OHIP. One is that the labs charge for tests that are not ordered by the physician. Can you imagine anything so stupid and irresponsible as the Conservative government not insisting on a triplicate invoice so that doctors and patients can see what the lab operator bills OHIP? In fact, I think that the whole system, even as it is presently being run, would benefit if the patients could just get a bill for what OHIP is billed in their name. The Minister of Health was shocked to find that OHIP was billed \$2,400 when he stayed in hospital during the summer, and I am sure that if many of us saw what was billed, it would be a disincentive to people who are billing OHIP to try to pull something like that if they knew that they were being monitored by the people that they were naming. We would also do away with that earlier criticism where the doctor was just going through his file, pulling cards, and billing OHIP for people he hadn't even seen; most of these people turned out to be immigrants who had difficulty communicating with the OHIP officials when they were contacted.

Another way that OHIP was ripped off by the labs was for component parts of a test as though the test had been performed before the sophisticated testers became available. There is one tester called the SMA 12 that can do eight tests simultaneously; but instead of charging the \$6 package price these labs were billing for eight tests done the old way; eight times \$5 equals \$40. In the meantime, the tester could do it in about eight seconds.

They were using test request forms which encouraged abuse. The ripoff labs were providing physicians with test request forms which made it impossible for them to order certain tests without ordering related tests which, in fact, were unnecessary but lucrative. When the New Democratic Party pointed this out to the ministry, they did insist that the request forms be changed, but again it is closing the barn door too late.

You can see now, Mr. Speaker, why lab billings have gone from \$17 million in 1971 to \$88 million in 1976. I think this would

be a good point, sir, for me to adjourn this debate.

On motion by Mr. Ziemba, the debate was adjourned.

Hon. Mr. Irvine: Mr. Speaker, before moving the adjournment of the House, I'd like to indicate to the members that the matters for consideration on Monday will be order No. 31, followed by private member's

Bill 91. There will be no sitting on Monday night.

On Tuesday we will deal with legislation in this order: Nos. 6, 9, 11, 12, 13, 14, 15, 16 and 17. The House will be sitting on Tuesday evening; there will be no sitting on Wednesday.

On motion by Hon. Mr. Irvine, the House adjourned at 11:35 a.m.

CONTENTS

Friday, October 29, 1976

Protection for borrowers and depositors, statement by Mr. Handleman.....	4249
Energy conservation week, statement by Mr. Timbrell.....	4249
Reed Paper, questions of Mr. Brunelle, Mr. Davis: Mr. Lewis, Mr. Kerrio.....	4250
Training school death, questions of Mr. J. R. Smith: Mr. Lewis, Mr. S. Smith, Mr. Nixon, Mrs. Campbell.....	4250
Halton landfill site, questions of Mr. Kerr: Mr. Lewis, Mr. Reed, Mr. Godfrey, Mr. Nixon	4252
Training school death, questions of Mrs. Birch, Mr. J. R. Smith, Mr. MacBeth: Mr. S. Smith, Mrs. Campbell, Mr. Nixon, Mr. Singer.....	4254
Liquid waste disposal, questions of Mr. Kerr: Mr. S. Smith.....	4256
Provincial lottery, questions of Mr. Davis, Mr. Welch: Ms. Bryden, Mr. Roy, Mr. S. Smith, Mr. B. Newman.....	4257
Post-secondary education costs, question of Mr. Parrott: Mr. Sweeney.....	4260
Point of order re Solicitor General's reply on training school death, Mr. Singer.....	4260
Training school death, answer to previous question, Mr. J. R. Smith.....	4260
Report, Ontario Hydro on costing and pricing of electricity, Mr. Timbrell.....	4261
Report, Law Foundation, Mr. McMurtry.....	4263
Ontario Waste Disposal and Reclamation Commission Act, Mr. B. Newman, first reading	4263
Budget debate, continued, Mr. Ziemba.....	4263
Motion to adjourn debate, Mr. Ziemba, agreed to.....	4268
Motion to adjourn, Mr. Irvine, agreed to.....	4268

SPEAKERS IN THIS ISSUE

Birch, Hon. M.; Provincial Secretary for Social Development (Scarborough East PC)
Breaugh, M. (Oshawa NDP)
Breithaupt, J. R. (Kitchener L)
Brunelle, Hon. R.; Minister without Portfolio and Chairman of Cabinet (Cochrane North PC)
Bryden, M. (Beaches-Woodbine NDP)
Campbell, M. (St. George L)
Cunningham, (Wentworth North L)
Davis, Hon. W.G.; Premier (Brampton PC)
Deans, I. (Wentworth NDP)
Foulds, J.F. (Port Arthur NDP)
Godfrey, C. (Durham West NDP)
Good, E. R. (Waterloo North L)
Handleman, Hon. S.B.; Minister of Consumer and Commercial Relations (Carleton PC)
Irvine, Hon. D. R.; Provincial Secretary for Resources Development (Carleton-Grenville PC)
Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
Kerrio, V. (Niagara Falls L)
Lewis, S.; Leader of the Opposition (Scarborough West NDP)
MacBeth, Hon. J.P.; Provincial Secretary for Justice and Solicitor General (Humber PC)
McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental Affairs (Chatham-Kent PC)
Newman, B. (Windsor-Walkerville L)
Nixon, R. F. (Brant-Oxford-Norfolk L)
Parrott, Hon. H. C.; Minister of Colleges and Universities (Oxford PC)
Reed, J. (Halton-Burlington L)
Reid, T. P. (Rainy River L)
Renwick, J. A. (Riverdale NDP)
Rowe, Hon. R. D.; Speaker (Northumberland PC)
Roy, A. J. (Ottawa East L)
Ruston, R. F. (Essex North L)
Singer, V. M. (Wilson Heights L)
Smith, Hon. J. R.; Minister of Correctional Services (Hamilton Mountain PC)
Smith, S. (Hamilton West L)
Sweeney, J. (Kitchener-Wilmot L)
Timbrell, Hon. D. R.; Minister of Energy (Don Mills PC)
Welch, Hon. R.; Minister of Culture and Recreation (Brock PC)
Wildman, B. (Algoma NDP)
Ziemba, E. (High Park-Swansea NDP)



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Third Session of the 30th Parliament

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Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. (Phone 965-2159)

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LEGISLATURE OF ONTARIO

MONDAY, NOVEMBER 1, 1976

The House met at 2 p.m.

Prayers.

Hon. Mr. Handleman: Mr. Speaker, I would like to invite all members of the Legislature to join with me in welcoming a distinguished visitor from the province of British Columbia, the Hon. K. Rafe Mair, Minister of Consumer Services, who is in the gallery.

POINT OF PRIVILEGE

Hon. Mrs. Birch: Mr. Speaker, I rise on a point of personal privilege. Last Friday, when the death of a 14-year-old girl was raised in the Legislature, I was very emotional and, indeed, I still am. I do not apologize for the intensity of my reaction. Ministers, after all, are human beings and are touched by tragic loss of life as any other thoughtful person may be.

The Minister of Correctional Services (Mr. J. R. Smith) and I have requested a four-ministry internal investigation as to the events preceding the tragic death raised on Friday. A report on that investigation will be made to the House tomorrow, and it will reflect the findings of officials from the ministries of Health, the social policy field, Correctional Services and the Solicitor General.

Mr. Lewis: I'm sorry, I missed one of the things the provincial secretary said. Did she say an investigation into the events that preceded the death or followed it? I didn't hear that part.

Hon. Mrs. Birch: I said preceding the tragic death.

Mr. Speaker: Statements by the ministry.

LIQUID WASTE DISPOSAL

Hon. Mr. Kerr: Mr. Speaker, I would like to correct some information I gave to the leader of the Liberal Party in reply to a question asked of me last Friday regarding the proposed liquid industrial waste disposal site in Canborough township.

The hon. member asked if I would agree to having the hearing held under The En-

vironmental Assessment Act rather than under The Environmental Protection Act. I incorrectly replied that the hearings were to be held under The Environmental Assessment Act. The Canborough hearing which is now under way is being held under The Environmental Protection Act, by, as I said, the Environmental Assessment Board. I regret having incorrectly informed the hon. member.

Section 33 of The Environmental Protection Act has been used since 1971 for such hearings and applies directly to waste disposal of all kinds.

The Environmental Assessment Act, as the hon. members know, is new legislation and we have not yet proclaimed the section which would bring specific private sector projects under the Act.

Mr. Godfrey: Why not?

Hon. Mr. Kerr: I wish to assure hon. members that the review of the environmental factors of this project will be as extensive and thorough under this procedure as it would be under the assessment legislation.

The major difference between the two proceedings as they apply to this case is that the hearings under the EPA will consider the project as it is advanced by the proponent and the board will recommend a course of action to my ministry, rather than making a decision on the proposal as it would under The Environmental Assessment Act.

There may be some confusion at this time as to the responsibility of the Environmental Assessment Board. The board is now empowered to hold hearings under three major Ontario Acts: The Ontario Water Resources Act, The Environmental Protection Act and The Environmental Assessment Act. I don't intend to go into the details of the three hearing procedures other than to say that the hearing by the board in Canborough is a public forum, will be thorough and will cover much more than the economic and technical aspects of the proposal.

Mr. Speaker: Oral questions.

TRAINING SCHOOL DEATH

Mr. Lewis: Perhaps picking up on what was said by the Provincial Secretary for Social Development, may I place the question to her: Can we then assume that in the statement before the Legislature tomorrow the various events, at least in factual form, prior to the occurrence of the death will be dealt with, including the role of Thistletown hospital, the actual judge's recommendation for the young girl and the role of Correctional Services at the point in which wardship was assumed? Will there be a factual setting out of that kind of information?

Hon. Mrs. Birch: Mr. Speaker, I anticipate that that kind of information will be available for the statement tomorrow.

Mr. Lewis: By way of supplementary, given what I believe to be the extraordinary relevance of it, would it be possible for the minister to release those aspects of the transcript of the referral of the judgement, not that relate to any matters of confidentiality which she would want to provide at the inquest, but of the actual judicial determination?

Hon. Mrs. Birch: Mr. Speaker, I would have to take that under consideration. I am sure the hon. member appreciates the desire on behalf of this government to protect the privacy of this girl's family.

Mr. Lewis: Of course. That's why I say only the release of the judicial determination.

Mr. Nixon: Mr. Speaker, perhaps there might be a further question there. As the minister indicated that she felt betrayed when she answered a question similar to this a few days ago, has she inquired as to why she was not informed of the circumstances of this tragic event until it appeared in the newspapers in Toronto two months after the suicide?

Hon. Mrs. Birch: Yes, Mr. Speaker, I have been assured and that also will be answered in our statement tomorrow.

PUBLIC HEALTH NURSES' NEGOTIATIONS

Mr. Lewis: A question, if I may, for the Premier, Mr. Speaker: Since the dispute in the public sector involving the public health nurses appears to be going on forever, would it be possible for the Premier to call into his office or a place of his choosing, along with

the Minister of Labour (B. Stephenson) all the heads of the public health boards across Ontario which have not settled—28 or 29 I believe—in an effort to see whether or not the logjam encompassing all of them might be broken and bargaining be restored?

Hon. Mr. Davis: Mr. Speaker, I must confess that as a local member I became somewhat involved in the discussions in the region of Peel, which apparently have been resolved. Whether the idea of having in the other 26 or whatever number would serve any useful purpose or not, I'm not sure, but it's certainly a suggestion that I shall consider.

Mr. Deans: Supplementary: Have you any suggestion to make, then, other than the ones that have been made from this side of the House, with regard to ways of resolving the dispute, given that it appears the boards of health have together decided they have no interest in reaching a satisfactory solution to what is a very difficult problem?

Hon. Mr. Davis: Mr. Speaker, I'm not going to defend one side or the other. I think it's perhaps a little unfair for the hon. member to suggest the boards of health have no interest in coming to a conclusion. I think they have an interest.

Mr. Sargent: Give them the money then.

Mr. Nixon: Might I ask the Premier if one of the alternatives that has been proposed from this side of the House and from the community at large, for compulsory arbitration or arbitration, is one of the alternatives that the Premier might give further consideration to, since the House, being in session, could deal with it without further delay?

Hon. Mr. Davis: Mr. Speaker, this was a suggestion coming from some groups. I think the Minister of Labour answered this question last Tuesday or Thursday, I forget which date. She pointed out the concerns that we have. I recall the views of the Leader of the Opposition and his concern about compulsory arbitration. Quite obviously his party wouldn't support such an approach.

Mr. Nixon: We would. Presumably you would. So let's do it.

Hon. Mr. Davis: Well, I would say to the member from Brant, one of his problems is that he presumes too much. I wouldn't presume that necessarily at this moment.

Mr. Ruston: Now you are saying you won't then.

Mr. Nixon: What the Premier is saying is, arbitration if necessary, but not necessarily arbitration.

Hon. Mr. Davis: No, Mr. Speaker. That too is one of the difficulties of the hon. member. I didn't say that.

Mr. Nixon: No, you didn't say anything.

Mr. Lewis: It bothers us that you should be more progressive on labour matters than they are. That's unfair.

Mr. S. Smith: You are two of a kind. Big business and big labour.

PRESERVATION OF NIAGARA AGRICULTURAL LAND

Mr. Lewis: May I ask the Premier another question relating to matters discussed in this session? Can you give the House an undertaking that you will make a public determination of the Niagara fruit and grape belt land controversy, the proposal put to you by the Niagara regional government, in a time sufficiently short that this Legislature can debate it before the House rises?

Hon. Mr. Davis: Mr. Speaker, I would like to give the hon. Leader of the Opposition that undertaking. However, being quite realistic and knowing how complicated it is and the need for this to be considered very carefully by government, I can't give that undertaking. I would like to have some sort of decision—and I'm just expressing this now without thinking it through very carefully—whether the decision itself would require or really necessitate any sort of debate here.

Mr. Lewis: Yes, it would. It depends on the decision, doesn't it?

Hon. Mr. Davis: See, you're presuming too much too.

Mr. Lewis: No, I am not. I just want to know what it is.

Hon. Mr. Davis: Yes, you are. You're saying it's going to necessitate a debate without even knowing what the decision is.

Mr. Lewis: Let me ask the Premier by way of supplementary, what is this incomparable stalling about the agricultural land of the Niagara Peninsula, when last year at this time his Minister of Agriculture and Food (Mr. W. Newman) repudiated exactly the same decision? Why is the Premier taking so long to indicate to Ontario and to

Niagara what the determination of government is?

Hon. Mr. Davis: Mr. Speaker, I don't want, you know—

Mr. Lewis: Be provocative.

Hon. Mr. Davis: —to be picayune on this, but when the hon. Leader of the Opposition says it's incomparable, which means that no decision has taken any longer than this—

Mr. Lewis: Incomparable stalling.

Hon. Mr. Davis: —I have to say that I know other government decisions that have taken longer than this.

Mr. Lewis: Well, you are pushing it.

[2:15]

Mr. Swart: Supplementary to the Premier: Could I ask him if he recognizes that the boundaries issue in Niagara revolves around an official plan, and that as in other official plans it can be changed very readily subject to following a decision. Is he therefore prepared to have some new regulations or legislation developed to give some greater permanency to any decision that is made that is now given by an official plan?

Hon. Mr. Davis: Mr. Speaker, I try to listen very carefully to the hon. member who represents a particular point of view and interest in that area which is not necessarily consistent with that of a lot of his colleagues who surround him.

Mr. Samis: He got elected.

Hon. Mr. Davis: I am referring to his former colleagues on the regional council where the hon. member's point of view was not necessarily always in the majority.

Mr. Lewis: Are you backing down on Niagara?

Hon. Mr. Davis: I'm not backing down, I am just saying—

Mr. Speaker: Order please. This is a supplementary question.

Hon. Mr. Davis: —we are not yet ready to tell him—and I know he wants to know—what it is the government's position is going to be. This may come as a great surprise and a great shock to him but the fact remains we are not.

Now, what was the member's question?

Interjection.

Hon. Mr. Davis: The member wants me to alter those boundaries so that Welland gets larger and the other gets smaller. That's really what he is saying to me. We really haven't considered that possibility.

Interjections.

Mr. Swart: Mr. Speaker, I don't think I got a reply to my question. My question was, is the Premier prepared to change legislation or regulations so that a decision on an official plan for Niagara has some greater degree of permanency than exists under present official plan legislation?

Hon. Mr. Davis: One thing I will say for the hon. member for Welland-Thorold, he has always been a great supporter of regional government until very recently and now he wants us to interfere with the regional government structure.

Mr. Swart: We find it doesn't work. We want to change it, yes.

Hon. Mr. Davis: Oh no. I've known the member so well for so long. He tries to have it both ways whenever it suits.

Interjection.

Hon. Mr. Davis: I would say to the hon. member we really haven't considered that possibility.

RACIAL DISCRIMINATION ALLEGATIONS

Mr. Lewis: A question of the Minister of Labour, if may, Mr. Speaker: In this very unhappy situation at Milrod Metal Products Limited—the charges of race discrimination now coming before the Human Rights Commission—has the ministry attempted to persuade the company to have them do the time study analysis of that plant by the special firm, Sheldon and Kellogg, to which they had once agreed, rather than by people from within their own corporation which seems to be at the core of the constant upheavals in that work place?

Hon. B. Stephenson: Mr. Speaker, I am not sure at this point that that is at the core of the upheaval at this time. However, both the Labour Relations Board and the Human Rights Commission are presently, at my request, investigating the situation. I anticipate we shall have a report from both of those bodies within the next few days and hopefully will be able to make some recom-

mendations to that company to resolve this difficulty.

Mr. Lewis: A supplementary, if I may: Since this company is now a subsidiary of ITT and—Well, smile and shake if you will, I want to remind the minister, lest she has forgotten, that since January, 1976, that little plant, Ontario Malleable Iron in Oshawa has been locked out by ITT, and does she think she might deal with this conglomerate in terms of its labour relations and the way it behaves in the province of Ontario in a fairly vigorous fashion?

Hon. B. Stephenson: Mr. Speaker, ITT has obviously some other subsidiaries in the province of Ontario and those subsidiaries have in fact dealt with their labour relations problems quite rationally.

Mr. Lewis: Where are they?

Hon. B. Stephenson: There is a problem, there is no doubt about that, at Ontario Malleable and obviously there is a problem here. We are attempting to find out the root cause of the problems and hopefully we will be able to help the employers and the employees to resolve it.

Mr. Breaugh: While the minister is sorting that out, does she have any advice for those 200 families at Ontario Malleable as to how they feed one another, since they have been locked out without a salary for 11 months now?

Mr. Lewis: It's not Chile you know, this is Ontario.

Hon. B. Stephenson: Mr. Speaker, there is no doubt about the fact that the senior officials of the Ministry of Labour have been actively involved in attempting to resolve the problem at Ontario Malleable for a prolonged period of time. They are still working very hard at this. There is a degree of intransigence on both sides of this situation which I find unacceptable. I would hope that because of the active pursuit of the problem by officials of the ministry and by myself, because I have made some pretty disturbing remarks which neither side really appreciates apparently, I believe we will be able to resolve that one eventually. The difficulty is that I hear from a number of employees that they have been bruited about the statement that they don't really care whether it's resolved or not, and I find that extremely disturbing.

Mr. Breaugh: Could the minister clarify that last part of her answer?

Mr. Lewis: Which employees?

Hon. B. Stephenson: The company has said that if it is not resolved within a reasonable period of time it will close the plant, and some of the leaders of the employees' groups have said, "Fine. Go ahead and close the plant."

Mr. Moffatt: Which leaders?

POLLUTION OF LAKES

Mr. S. Smith: I have a question of the Minister of Natural Resources. Now that it's been reported that the state of New York has decided to switch its coho salmon planting to Lake Erie from Lake Ontario because of the Myrex in Lake Ontario, is the minister still continuing to plant coho and chinook, which I believe is the programme at the moment in Lake Ontario, despite the high levels of Myrex?

Hon. Mr. Bernier: I believe the state of New York is not totally moving its plantings from Lake Ontario to Lake Erie. I believe there will be a certain quantity planted in that particular lake. I would say that the question of our planting is being reviewed right at the present time. I hope to have something more positive to say in the next few weeks.

Mr. S. Smith: By way of a slightly related supplementary if I might, now that we hear also that Lake Simcoe is polluted, in this instance with mercury, can the minister assure us that we are now in possession of a complete list of all the lakes in which unacceptable levels of various industrial pollutants have been found, and if not, would he undertake to table such a list?

Hon. Mr. Bernier: I'd be glad to table a list of the lakes that we have in our possession. I would say that our studies are ongoing; reviews of lakes are an ongoing matter within the province of Ontario. We think we have something like well over 100,000 lakes in this particular province. I'm sure the member will agree that it will take some time to assess them all. But what we have, we'll be glad to table.

Mr. Godfrey: Supplementary to the question: Will the minister also include the streams that empty into Lake Ontario, Lake Huron and Lake Erie—for example, Duffin Creek and other areas like that which we already know are contaminated?

Hon. Mr. Bernier: Yes, we'll be pleased to give members all the information we have available on those streams.

FRENCH-LANGUAGE EDUCATION

Mr. S. Smith: A question for the Minister of Education: In view of his statement on October 6 that he would have further statements on French education for anglophones and statements on testing in our schools in the not-too-distant future, can the minister tell us when he intends to come forward with those promised statements?

Hon. Mr. Wells: I will have some statements very shortly.

Hon. Mr. Davis: Do you want us to check the date?

Mr. S. Smith: In view of the emergent situation in Waterloo where, due to the cut-back in grants, the board has now cut out its pilot bilingual programme, which means that students who have taken that course during the first, second and third grades will now have no more French until grade 6, which means they'll pretty well lose what investment they've already put in of an educational nature, could he tell us what plans he has to assist Waterloo to keep its bilingual programme going?

Hon. Mr. Wells: I would be very pleased to hear more detailed information about the situation in Waterloo. I have not been made aware of the fact that they have cancelled any programme. Indeed it was at one point that the Waterloo county board, if that's the board the member is talking about, had in fact cancelled the buses for French-language students who were going to another area. But I'm happy that those buses were reinstated by that board just a few weeks ago.

HURONIA REGIONAL CENTRE

Mr. S. Smith: A question for the Minister of Community and Social Services: Can he tell us whether the report which he had commissioned on the Huronia mental retardation facilities is prepared now—it was presumably only going to take a short time—and will he be making it public?

Hon. Mr. Taylor: No, the report has not as yet been completed. It is being written. It did take a longer period of time than we anticipated. That was because Dr. Willard was anxious to ensure that everyone who wished to be heard from was heard from. I think he took something in excess of 175 interviews from people who were concerned about that particular operation. He also was sick for a while and that delayed the report as well, but I do expect it soon and I can assure the

member that it will certainly be given the consideration of my ministry and government. Frankly, my general view is that matters such as this should not be kept under wraps, if that's the suggestion the member may be implying.

Mr. S. Smith: By way of supplementary, although I appreciate the minister's general view about the distinction between information and intelligence—I think I have heard it at one or two points—can we be given some guarantee that this report will be made public?

Hon. Mr. Taylor: I am not in a position to guarantee anything—

Interjections.

Hon. Mr. Taylor: You smile at that. All I can guarantee the member is that it will be acted upon in the best interests of the people of the province.

Mr. Lewis: Does the minister realize that almost single-handedly, as a minister, he is a walking testament to the need for a freedom of information Act in this Legislature?

Mr. Speaker: Order, please. That is not supplementary to the question.

Hon. Mr. Taylor: May I reply that I have heard other accusations with equally little foundation in fact or truth.

COMMENTS OF OSC CHAIRMAN

Mr. S. Smith: A brief question for the Minister of Consumer and Commercial Relations, Mr. Speaker: Is he aware of the comments made last month by Arthur Pattillo, the chairman of the Ontario Securities Commission, in which Mr. Pattillo expressed disappointment and said, "I think it is unfortunate that [basically, the essence is] Bill 98 was not proceeded with past first reading"? He feels, as the minister may know, that this is hurting the investment community in this province. Could the minister comment on that speech?

Hon. Mr. Handleman: Yes, I am familiar with the speech. I don't agree with the conclusions drawn by the hon. member. Mr. Pattillo did express disappointment that it was not re-introduced at this session. He knew that when it was introduced it was for first reading and for submissions and discussions which we have had with members of the investment community.

There is a tremendous amount of amending to be done and my position is that there would be no point in introducing it again unless we were sure the time constraints would permit us to pass it. Since they will not permit us to pass it, in view of the heavy workload of the standing committee on justice, it will probably not be reintroduced until next spring at the earliest.

Mr. S. Smith: By way of brief supplementary, is the minister aware of the consternation it is causing in the business community, which put considerable time into making submissions in order to improve this bill? Does he know, for instance, of the editorial in the Financial Times which says Ontario's delay in introducing some of these worthwhile amendments is a disservice to investors in all provinces since Ontario takes the lead? Surely something as important as this could be proceeded with?

Hon. Mr. Handleman: Mr. Speaker, I am fully familiar with the editorial comment which has been made. I have been in touch with some of the ministers in other provinces. My understanding is that some of the other provinces are quite prepared to take our Act—and they are welcome to it—and introduce it and have it debated. We think there's no time in this session to introduce it and unless I have the assurance of the hon. members opposite that there would be no debate and no amendments there isn't time to take that kind of legislation through in a short session.

Mr. Eakins: This is not the closing of hospitals.

REALLOCATION OF JUVENILE INSTITUTION RESOURCES

Ms. Sandeman: A question for the Minister of Correctional Services: Could the minister please explain to us what the plans of his ministry are with relation to children now in training schools under section 9 of The Training Schools Act, particularly in the light of the increasing evidence that many children are inappropriately placed in training schools under that section? Does he still intend to follow his policy, stated on April 13 of this year, of maintaining 1,100 beds in the training schools for the foreseeable future?

Hon. J. R. Smith: Mr. Speaker, the whole matter of our capacity and the fact that the schools we are operating at present are under capacity—even since we closed Grandview, they are still under capacity except Cecil Facer—is constantly under review.

Ms. Sandeman: A supplementary: The minister didn't address himself to my question. Grandview had already been closed when he made that statement in April. What plans does he have for reviewing the situation of children in the training schools under section 9 if they are inappropriately placed in that setting?

Hon. J. R. Smith: We have no further plans for section 9 children.

[2:30]

Mr. Lewis: Supplementary: Even in the light of what has happened, does the minister have no further plans since he sees how inappropriate that placement was?

Hon. J. R. Smith: As a result of what has happened at the Kawartha Lakes School, this is one of the things I intend to turn my attention to—to make a complete review of section 9 and whether or not it is being used—

Mr. Reid: I thought that was being done already.

Hon. J. R. Smith: Section 8 children are being brought into the training school system under section 9.

Mr. S. Smith: He doesn't mean to betray you; he just doesn't know any better.

HIGHWAY 400 EXTENSION

Mrs. Campbell: Mr. Speaker, my question is to the Minister of Transportation and Communications. Considering our discovery in January of this year of some 24 acres of borough and private land in the path of the proposed Highway 400 extension north of Eglinton Avenue, will the minister tell us what the present status of this property is and how much money will be required to purchase it?

Hon. Mr. Snow: Mr. Speaker, I am not completely sure I heard all of the member's question. I think I heard the general content of it. There is, as I believe has been stated before in this House, one parcel of private ownership land on the Highway 400 right of way north of Eglinton Avenue. All the other land is either owned by the ministry or by the municipalities. At the present time preliminary planning is under way for that section of the road from Jane Street down to Eglinton, and I believe the alignment of the private lands that are required has just been finalized. The property request has gone out to our property people to purchase that land,

and I don't believe any price has been established on it as of yet.

Mrs. Campbell: Supplementary: Is the minister aware that an official in his ministry has advised us that the land required for the Highway 400 extension had been set aside by the borough of North York specifically for roads, while the borough tells us that it is presently designated green belt? Just what is the status of this land?

Hon. Mr. Snow: I can't explain that particular discrepancy in the information that the hon. member has received, but I shall look into it.

UTDC-ONTC TRAIN DEAL

Mr. Wildman: Mr. Speaker, I have a question for the Minister of Transportation and Communications. Can the minister confirm whether or not UTDC will make a profit of about a quarter of a million dollars per year from the Ontario Northland Railway on the leasing arrangements for the 15-year-old diesel trains purchased in Switzerland? Does he anticipate, if this is the case, ONR having to raise their fares in order to pay the \$1-million-a-year bill?

Hon. Mr. Snow: Mr. Speaker, I know where this question was derived from, and I am sure if the hon. member had taken his pencil and paper to figure out the matter a little bit he would have soon come to the conclusion that the UTDC will not be making a profit of a quarter of a million dollars, as I believe he stated, on the leasing of the four trains.

The four trains were purchased by UTDC for, I believe, something in the neighbourhood of \$3.7 million to \$3.8 million. They are to be leased to the ONTC for a five-year period at a rate of approximately \$1 million per year. Obviously there is a difference of about \$1.2 million between what the UTDC will receive for the five years and what they paid for the trains. Of course, taken into this calculation is the cost of financing the trains, the amortization of the trains over the five-year period, as the trains are to be sold—or at least the ONTC is to have an option to purchase the four trains at the end of the five-year period at \$100,000 per train. In effect, the ONTC is not only leasing the trains, it is also amortizing the purchase price of the trains over the five-year period, which must be taken into consideration. Any profit that might be derived by UTDC is very minimal indeed.

Mr. Reid: Supplementary: Can the minister explain why he's going through all this accounting shuffle? In fact, would the minister not agree that all he's doing is causing higher expenses and trying to improve the balance sheet of UTDC, and that if such a programme should have gone ahead it should have been done by the ONR and that he is trying to confuse the taxpayers by trying to plump up the balance sheet of UTDC?

Hon. Mr. Snow: No, I wouldn't agree with that statement at all, Mr. Speaker.

Mr. Wildman: Supplementary: Can the minister explain why the ONR couldn't purchase these trains directly itself, instead of going through UTDC?

Hon. Mr. Snow: Mr. Speaker, the trains are being purchased from the Swiss National Railroad in Switzerland. Certain modifications are being made to the four trains in Switzerland before they will be delivered to UTDC. The reason for UTDC handling the arrangement is because of its contacts in Switzerland, the fact that it is presently dealing with the Swiss railroad company and the Sig Corporation in the development of the prototypes for the TTC streetcars. They have a staff available to supervise the modifications of the trains in Switzerland, and it was a much better and cheaper arrangement to have UTDC carry out these negotiations and the upgrading of the trains because of their people already located over there.

Mr. Reid: Would the minister not agree that there are serious accounting difficulties involved in this? Is he aware of the auditors' report on UTDC, in which they say they are very concerned about the accounting practices of UTDC, that in their opinion this practice is not in accordance with generally accepted accounting principles, and that, again, the UTDC is trying to confuse and mislead the public and that its accounting practices are already suspect by the accounting firm? What is the minister doing about those things?

Mr. Cunningham: What's going on over there?

Hon. Mr. Snow: I don't know how to answer all those questions at once. No, I wouldn't agree that UTDC is trying to mislead anyone and I wouldn't agree that there are any accounting complications—

Mr. Reid: What about the auditors?

Mr. S. Smith: Read the auditor's statement.

Hon. Mr. Snow: If you'll just hold your britches for a moment. There is no confusion

whatever in the accounting arrangements for the purchase of the four trains by UTDC and the leasing of the four trains with the option to purchase to the Ontario Northland.

Mr. Reid: You are just juggling figures.

Hon. Mr. Snow: I don't think anything could be a simpler business arrangement than that. Mr. Speaker, with regard to the auditor's notes in the UTDC financial statement, I'm well aware of those. I don't believe the hon. member is right in saying the accounting practices of UTDC are suspect. I don't think the auditor gives that impression at all. The auditor draws to our attention the fact that certain costs involved in the development of certain engineering projects are being carried on the books of the company as costs relating to that project which will be recovered from the sale or the development of those particular products. UTDC is strictly a research and development organization. We realize that perhaps if General Motors was developing a new automobile—

Mr. Reid: Why are they funding the ONR?

Hon. Mr. Snow: —it would not be using that same type of accounting procedure.

Mr. Reid: That's pretty slim.

PAYMENTS TO MILK SHIPPERS

Mr. McKessock: Mr. Speaker, I have a question for the Minister of Agriculture and Food: In view of the recent announcement by the Quebec Minister of Agriculture that he is guaranteeing now and forever the revenues of his farmers in paying industrial milk shippers this year 40½ cents per hundredweight on in-quota milk, plus paying all penalties in any in-sleeve production, would the minister consider doing the same for Ontario industrial milk shippers?

Interjections.

Hon. W. Newman: Mr. Speaker, in order to answer the member properly, first I'd like to point out that the province of Ontario led the way in putting up a guaranteed bond for the in-sleeve production to be released—

Interjections.

Hon. W. Newman: —from the Ontario Milk Marketing Board to the milk shippers of the province of Ontario. That guarantee could amount to \$10.4 million. That was done by us first. The same offer was made to all the other provinces. They did not do it.

Second, I was the one, with the co-operation of the Ontario Milk Marketing Board, who asked Ottawa to release—

Mr. Nixon: The farmer's friend.

Hon. W. Newman: —the four million hundredweight of milk on a pro rata basis to the industrial shippers across this country—

Mr. Sargent: Good for you.

Hon. W. Newman: —which means 127 million pounds to the producers of the province of Ontario. The Ontario Milk Marketing Board is meeting, I believe, tomorrow and Wednesday to try to work out a formula for the best way to distribute this 127 million pounds of milk—

Mr. Good: Last week you told us it was Thursday and Friday.

Hon. W. Newman: —to the producers of this province.

Mr. Riddell: Maybe he read the letters I sent.

Mr. Speaker: Order, please.

Hon. W. Newman: I have also met with the board to discuss with them how I feel they could best distribute this quota.

Mr. McKessock: Supplementary: In view of the fact that the minister indicated that Quebec has followed him on the in-sleeve coverage, would he consider following them now on the 40½ cents per hundredweight?

Interjections.

An hon. member: There's an election on now.

Hon. W. Newman: You know, I won't even comment about the election. I'll just comment on the national supply management committee. There is an agreement between Ottawa and all provinces and my understanding about this 40 cents, if it is paid out and as the Quebec Minister of Agriculture is no longer going to be seeking office, I'm not exactly sure what's going to happen with that—

Mr. Sargent: Answer the question; answer the question.

Interjections.

Mr. Speaker: Order, please. Order.

Hon. W. Newman: The national supply arrangement committee, under the Canadian Dairy Commission, says if they allow pay-

ments to be made by a province directly to producers it is breaking the national agreement. If they're breaking the national agreement, then I will ask Ottawa to step in in this particular case, which I will be doing this week. We have no indication at this point in time that the amount of money has been paid out.

Mr. McKessock: Supplementary: If the federal government does allow the Quebec government to pay this, will the minister follow suit and pay the same?

Hon. W. Newman: Listen, I don't want to destroy the national programme on milk in this country—

Mr. Nixon: You can't do less.

Hon. W. Newman: Oh, listen, you fellows really don't understand it, do you? You really don't understand it. You would destroy for political expediency the milk policies of this country. Two years down the road, we'd be in chaos, and you know it.

Hon. Mr. Welch: Shame, shame.

Mr. Nixon: Why doesn't the minister resign?

Mr. Speaker: Order, please. Order.

RADIOACTIVITY AT PORT HOPE

Mr. Yakabuski: Mr. Speaker, I have a question for the Minister of Health: Because it is common knowledge that the Port Hope cleanup has begun and that already thousands of tons of material have been removed from sites in that locality and dumped in the—

Mr. Singer: In Renfrew.

Mr. Yakabuski: —in property in the Chalk River area belonging to Atomic Energy of Canada, I'm just wondering and I want his assurance, that we are not just transferring—

Mr. Warner: Question, question

Mr. Yakabuski: —the Port Hope problem to Renfrew county.

Mr. Nixon: Never.

Mr. Moffatt: No. They've already got a problem.

Hon. F. S. Miller: Mr. Speaker, the responsibility is federal. I think that should be kept clearly in mind when the hon. member is discussing the issue in his riding.

Interjections.

Mr. Singer: Good answer, that.

FAMILY BENEFITS RATES

Mr. McClellan: I have a question for the Minister of Community and Social Services. It has been 17 months since the family benefits rates in Ontario were raised in May, 1975, and during that period the consumer price index has gone up 10.7 per cent. I want to ask the minister why there has been such a delay in raising the social assistance rates in the province and whether he will assure us that he will raise those rates this month to alleviate very real hardships that are being experienced by social assistance recipients.

Mr. S. Smith: He can't assure you of anything.

Mr. Wildman: Can't guarantee it.

Mr. Speaker: Order, please.

Hon. Mr. Taylor: I sure wouldn't guarantee the member for Hamilton West anything.

Interjections.

Mr. Sargent: That wasn't very nice.

Hon. Mr. Taylor: Well, you don't blame me, do you?

Mr. Speaker: Order, please. The question's been asked.

Mr. S. Smith: That's as good as the Premier's remark about chickening out.

[2:45]

Hon. Mr. Taylor: As members know the family benefit rates are not automatically indexed so there are no automatic increases depending on fluctuations in the cost of living. However, they are periodically reviewed as members very well know.

Mr. McClellan: Seventeen months.

Mr. R. S. Smith: Seventeen months is a little more than periodical.

Hon. Mr. Taylor: I can assure the House that that policy has not changed.

Mr. S. Smith: He can't assure you of anything.

Mr. McClellan: Mr. Speaker, to that non-answer, I wonder if the minister, when he gets around to reviewing the rates, would

take into account the publication by the Ministry of Housing released today, Rental Market Survey? I want to ask the minister whether he's seen that and whether he realizes that the rental rates which he pays under his family benefits legislation are about half the average rent levels in the metropolitan area and whether he will assure us that he will take that into consideration when he revises the rates, I hope again this month.

Hon. Mr. Taylor: May I say in response, that no person should know better than the member for Bellwoods, having worked as a social worker, that the amount of money or the breakdown for rent and other items is considered. However, he should also know that if one is going to earmark a specific lump sum for rent across the board, there may very well be a tendency for landlords to meet that target even though they may be charging less. Really what counts in the final analysis is the overall lump sum payment that is given to people.

Mr. Lewis: You are a great social services minister.

ZUCCHINI RECIPE

Mr. Good: Mr. Speaker, a question for the Minister of Agriculture and Food: This has to do with an August 9 release from his ministry. Is the minister aware that the rather exotic and unusual recipe for zucchini squash as published and which is purported to have been developed by the ministry is the same as a recipe which appears on page 59 of *The Cooking of Vienna's Empire*, published by Time-Life Books, New York city, copyrighted in 1968?

Hon. Mr. Handleman: Plagiarism.

Mr. Speaker: Order, please. We can't hear the man.

Mr. Good: I'd like to ask the minister the same question that was asked me: Does the minister not feel that there's no reason or excuse for his ministry to be indulging in the rather dishonest practice of plagiarizing recipes?

Hon. W. Newman: Mr. Speaker, I consider this of the most urgent public importance and I'll be glad to answer the question. Yes, there was a recipe put out by the ministry called—

Mr. Nixon: You can't blame this on Gene Whelan.

Hon. W. Newman: Aren't you glad you separated parties? Anyway, the recipe is called zucchini with dill sauce. This is the one the member handed to me the other day. We're looking into it. I understand there might be some interest by another group but I'll suggest my wife has a better recipe than this one.

Mr. Good: Has the minister received a letter yet from the legal department of Time-Life book publishers?

Mr. Singer: A writ.

Hon. W. Newman: No, we have not.

Mr. Good: Well, you're about to, I believe.

Mr. Nixon: They are going to take it to the Supreme Court.

Mr. Speaker: Order.

WESTINGHOUSE ANTI-TRUST SUIT

Mr. Burr: A question for the Minister of Energy regarding Westinghouse Electric Corporation's anti-trust suit filed recently, accusing 29 major uranium-producing companies, including some in Canada, of forming a cartel to fix prices. The question is: Does the minister know which Canadian companies are being sued?

Hon. Mr. Timbrell: No, Mr. Speaker, I don't. This is a matter strictly and purely within the prerogative of the federal government.

Mr. Burr: A supplementary: If it turns out that Canadian companies have been indeed charging exorbitantly high prices, not only to the American power companies but also to Ontario Hydro, will the minister seek to recover the over-payments which have been charged against Hydro?

Hon. Mr. Timbrell: I think the hon. member is, first of all, prejudging the net effects of the action in the United States. I think perhaps he would be well advised to look at some of the background of that action and why Westinghouse has launched it at all, to look at some of their sales and some of the agreements—perhaps questionable agreements—they made five and 10 years ago for the provision of fuel. I think it's very premature and very hypothetical at this point.

INDIAN LAND AND RESOURCE CLAIMS

Mr. Sargent: I have a question of the Minister of Natural Resources. On June 3 I asked the minister if there was any reason why the cash payment can't be made to the Indians now concerning the lands acquired from the Indian reserves by the ministry over the years in the Bruce Peninsula. He very adeptly stick-handled around the goal a bit and finally said: "These are being resolved by agreement with the three parties"—that's the feds, this government and the Indians. "Once that is resolved and clarified, then we will be able to make payments to those Indian bands whose funds are being held in trust on their behalf."

I am continually having to phone down to get cheques from Indian Affairs to have them balance their books. Why in hell can't you pay them the money you owe them?

Hon. Mr. Bernier: I have to tell the hon. member that these discussions are very complex, as he well knows. They are still going on and we are as anxious to clear up the matter as he is. I can assure him that we will do everything we can to expedite the situation.

Mr. Sargent: That isn't good enough. If they pay out money they have to have it coming in.

Mr. Speaker: The oral question period has expired.

Petitions.

Presenting reports.

REPORTS

Hon. Mr. McMurtry tabled the report of the Public Trustee for the year ended March 31, 1976.

Hon. Mr. Parrott tabled the financial report for the University of Waterloo and the University of Western Ontario for the year ended April 30, 1976.

Mr. Speaker: Motions.

Introduction of bills.

Orders of the day.

ONTARIO ENERGY BOARD REPORT

Consideration of the report of the Ontario Energy Board respecting Ontario Hydro bulk power rates for 1977.

Mr. MacDonald: Let me remind the House of two basic points to begin with, and then I want to zero in on what I think is the real focus of this debate. Members of the House will be aware of the fact that Ontario Hydro requested a rate increase for the year 1977 of 32 per cent. This was submitted to the now-required review by the Ontario Energy Board which reduced it to 30 per cent. Secondly, Ontario Hydro is in something of a financial difficulty at the present time. I think this must be frankly acknowledged at the outset so that one can put any comments and any proposals with regard to easing this rate increase within the context so that they can be presented responsibly and can be judged to be responsible.

As we learned in the select committee, particularly in the second half of our sessions in the first six months of this year in testimony from many different officials of the corporation, Ontario Hydro is experiencing financial difficulties because of the fact that its revenues are dropping and its costs are continuing to rise. Their revenues are dropping because Canada and Ontario are tending to experience now somewhat in lag behind that of the United States a rather significant drop in the industrial use of power because of the whole economic slackness of the last year or so.

Secondly, to some degree, at this point rather inestimable and I suspect rather small, there is some impact on the whole ethic of conservation. So Hydro's sales are dropping and therefore their revenues are dropping. And that, combined with a continued rise in costs, in keeping with rising costs generally across the board, means that Hydro's net position is a difficult one.

Now, having said that—

Mr. Deputy Speaker: Could we have some order in the chamber, please? There are far too many private conversations going on.

Mr. MacDonald: In other words, viewed strictly from a traditional budgeting and accounting procedure, the 32 per cent increase which Hydro asked for is defensible. But the point I want to make to the House with great vigour this afternoon is that that doesn't alter the fact that what Hydro may have asked for represents an intolerable burden upon consumers in this period of AIB restraint. If anything is to be done by Hydro and/or the government, it should be done to ease that burden. The New Democratic Party submits that something can and should be done.

In fact, let me put it in what I think are defensible and yet rather tough phrases. I think this government would be irresponsible if it didn't move to reduce the proposed Hydro rate increase. It would be irresponsible, because this government is committed to an implementation of the Trudeau-Davis wage and price guidelines. And I insist that they are Trudeau and Davis guidelines. They were laid down by Ottawa; they were accepted unquestionably by this government—

Hon. Mr. Timbrell: By Blakeney and Schreyer too.

Mr. MacDonald: That's irrelevant at the moment. There were some points that Blakeney and Schreyer disagreed with and they had the intestinal fortitude to speak up. The trouble with this government is it accepted holus-bolus what Ottawa suggested even though there were some things that they muttered some concern about, and now they are committed to an implementation of those guidelines. As long as the people of the province of Ontario are going to have to live with rather strongly implemented wage controls, then there is an obligation on this government to operate within its jurisdiction to do something about correcting the rather soft implementation of price controls which we have experienced in the first year of AIB.

I don't want to stray unduly, because I understand there will be an appropriate time later in this month to discuss the whole report, but I just draw your attention, Mr. Speaker, and the attention of the minister to a recommendation IV-10 on page I-27, in the earlier portion of the final report of the select committee, which is entitled "Easing the Burden on the Consumer." I think I'd just like to read those paragraphs into the record.

The bulk power rate is applied only to the relatively few direct industrial customers and to the municipal utilities. Most consumers of electric power buy from municipal utilities at prices that are set by, and unique to, each utility. Under the memorandum of agreement signed by Ontario and Canada, jurisdiction for the direct application of the Anti-Inflation Act and regulations to the municipal utilities was assigned to Ontario Hydro.

The committee has, from its beginning, been deeply concerned about the impact of Hydro's bulk power rate increases on the consumer. In its interim report, the committee "specifically hoped that the 1976 rate increase could be kept to a level that could be related to the increase in incomes allowable under the guidelines." The com-

mittee therefore carefully considered the impact an increase in the bulk power rate would have on the typical residential customer. The committee expects that Hydro will use its regulatory powers to contain municipal rate increases in much the same way as the committee has approached Hydro's bulk power rate increase: applying the general intent of the guidelines; examining each component of cost; and looking at the rates in a longer-term perspective.

The implication of that—namely that Hydro should see that any saving is passed on to the customer so that the impact in price increases will be as close to the guidelines as possible, if not within the guidelines—is that there is an obligation on the government to make certain the bulk power rate increase is such that, when passed on, it will be close to or within the guidelines.

That, of course, raises a key question: Is it possible to do so? I want to suggest to you, Mr. Speaker, that it is possible to do so by rather a simple procedure. It's not a new procedure. It's one we talked about ad nauseam in the select committee. It is the procedure of smoothing the rates over a two- to three-year period, specifically over a three-year period.

[3:00]

Let me remind the House that in the testimony before the select committee last spring, Hydro forecast then and has confirmed since that its rate increase for 1977 would have to be in the range of 32 per cent. It pointed out, however, and it has confirmed since that it anticipates its rate increase requirements for 1978 would be in the range of 15 per cent; in 1979, in the range of 11 per cent and in the years beyond that in the range from five to 10 per cent. In short, there is in prospect a rather significant drop in the increase required each year in order to meet Hydro's needs,

If we are living in a period of restraint and if this government is committed to see that that restraint is imposed and lived up to as much as possible, then I submit that there's an obligation on the government to do this year what has been talked about—I won't go into the difficulties and the failure of implementing it in the past—and implement a smoothing of the 32 per cent required for 1977, the 15 per cent forecast for 1978 and the 11 per cent increase forecast for 1979 which would be a rate increase in our view, in the range of 20 per cent over the next three-year period; at least 20 per cent for the first of the three years.

Let me go one step further. I remind the House of what happened last year. Last year, Hydro's first indication of its rate increase requirements was 38 per cent. The minister may shake his head all he wants but it is correct—38 per cent. They smoothed it out to 29 point something or in the range of 30 per cent.

There was a hue and cry as a result of that proposed 30 per cent rate increase which was initiated in the first instance within this House, primarily by the leader of the New Democratic Party (Mr. Lewis), but it was obviously voicing a widespread concern across the province—

Mr. Peterson: Yes, from the Treasurer (Mr. McKeough).

Mr. MacDonald: —that the government tended to ignore to begin with but significantly, within a matter of weeks, certainly within a matter of a month or so, the two responsible ministers, particularly the provincial Treasurer, had joined the hue and cry. To borrow his phraseology, he said the prospect of a 30 per cent rate increase was appalling. Because of that word from on high, Hydro reviewed the situation and revised its rate increase requirements to 25 per cent.

I always assumed that the government thought that even that might be reviewed still further, otherwise I don't know why it set up the select committee to engage in that exercise. In any case, the select committee did review the situation and recommended a further reduction in the increase to 22 per cent. The government accepted it. Hydro implemented it.

Let me review what happened last year. Hydro's initial forecast was for 38 per cent. It smoothed it to 30. It voluntarily cut it to 25 per cent when the provincial Treasurer and a lot of other people found it to be appalling. The select committee took it down to 22 per cent.

What we are going to have this year is Hydro asking for 32 per cent. The Energy Board has reduced it to 30 and if there is no further reduction in terms of the budgetary and accounting needs of Hydro, then I submit the government has this remaining option—to say to Hydro that the rates should be smoothed over the next three-year period and that for the year 1977 it should be no more than a 20 per cent increase.

I predict that in the second, third and fourth year of the smoothing—because it's an ongoing process in which each year one takes a new year into the smoothing process—and

as we reach into the 1980s when the forecast increase requirements are in the range of five to 10 per cent—at least that is the forecast now—we can avoid the intolerable impact of this 30 per cent increase.

I say to the provincial Treasurer, through you, Mr. Speaker, that if he thought a 30 per cent increase was appalling last year by what tortured logic does he come to the conclusion that it isn't appalling this year?

The echoing silence is significant. There is obviously no rhyme or reason as to why it shouldn't be just as appalling this year. We are still engaged, certainly at the federal level, in as vigorous an implementation of the wage controls, and presumably this government is going along. We are still engaged in a soft implementation of price control, and a refusal on the part of this government to do what it can to reduce that 30 per cent is just to play the game of a soft implementation of price control, which erodes the whole credibility of the AIB programme.

The government can't have it both ways. If it wants to have a programme then it has to exercise its powers within its jurisdiction to make certain that that programme is going to be effective. I remind you, Mr. Speaker, what could flow from this, if we were to smooth the 30-15-11 over the next three years to a rate that in 1977 would start with 20 per cent. Twenty per cent in bulk power rates would on the basis of past experience translate itself into a rate for most utilities, across the board in most utilities, in the range of 15 per cent. Last year it was 16 per cent, when our bulk power increase was 22 per cent it was 16 per cent.

Hon. Mr. Timbrell: Seventeen per cent.

Mr. MacDonald: Well 16 to 17 per cent, and then the rate for the mythical average residential consumer was 13.9 per cent. All I am saying is that if you take your 20 per cent smooth rate for 1977 it could escalate down to that mythical average residential consumer at the rate of perhaps 13 per cent—admittedly not wholly within the guidelines. What is the minister looking so puzzled about? If a bulk rate increase last year of 22 per cent, ended up with 13.9 per cent for the mythical average residential consumer, is it not a likely prospect that a bulk rate increase of 20 per cent would result in an increase for the residential consumer in the range of 13 per cent? Sure it would. He can shake his head all he wants. I would be interested to see any counter argument to that.

I think I have made the case, and I don't want to take an undue amount of time, Mr.

Speaker. I just want to deal with one final point. Admittedly if Hydro's requirements for next year, now fixed by the Ontario Energy Board at a 30 per cent increase, are smoothed out at 20 per cent for 1977, that is going to leave Hydro with a cash flow problem. They will get 10 per cent less revenue than they were expecting. In short, instead of having an increase of 30 per cent on their \$1.5 billion revenue, which would be roughly \$450 million, they would not get in 1977 about \$150 million. I suggest there is an answer in which the government can do something about that and it is right back in the court of the provincial Treasurer.

I know that Hydro is trying desperately to live within its current debt-equity ratio. I know that this government is painfully sensitive about Hydro's borrowings. When we listened to the investment dealers before the committee last year the record will indicate that they were very frank. They weren't worried so much with regard to Hydro's borrowings. They were looking through Hydro at the situation within the provincial government—a government that was running a debt of \$1.9 billion at that time—and while they wouldn't choose to describe it as fiscal mismanagement, those on this side of the House have deemed that to be rather an appropriate description of the situation. In other words, the problem rests with the government.

Okay. Just because the government is uptight and brought in a budget last spring to try to deal with this problem and fix the ceiling for Hydro of \$1.5 billion capital availability for the next three years, I don't think it should be an inflexible straitjacket that doesn't permit at least a minor relaxation to cope with this situation so that you could ease the burden on the consumer from this unnecessary 30 per cent rate increase. Perhaps \$150 million might have to be borrowed at the end of the first year to compensate for the drop in cash flow that Hydro would have. In the second year, if you were picking up 19 per cent or 20 per cent instead of the 15 per cent that was forecast, you would be getting more money than you needed so you could start repayment immediately on this short-term borrowing of \$150 million.

It doesn't need to be added into the long-term borrowings for Hydro. It doesn't need to alter the debt-equity ratio. Indeed, one of my colleagues, the hon. member for Wentworth (Mr. Deans), our House leader, has done some interesting calculations, and later in the debate he will give them to you, Mr. Speaker, to show you that a smooth rate in the range 20, 19 and 18 over the next three

years would leave Hydro with more money rather than less. Admittedly, in the process you would have certain interest charges that are difficult to calculate because it depends at what point in the year you make your borrowing in 1977 to compensate for the drop in cash flow, and at what point in the next year you start to repay it, but it's a sensible kind of proposition.

I submit, in summary, it would be a reflection of this government's willingness to accept its obligation to play its part to control prices that fall within its jurisdiction, otherwise they are acting irresponsibly, they are paying lip service to the AIB, the Trudeau-Davis wage and price controls, but they're not doing anything to implement it, certainly on the price side.

Mr. Reed: Mr. Speaker, if we consider that the first real inquiry into the affairs of Ontario Hydro occurred only this year—the 1975-76 select committee on Ontario Hydro—it's small wonder that Hydro has been found wanting in both its policy directions and its management practices. Seen in the light of the general financial situation, the 30 per cent asked-for increase can hardly be surprising. And the possibility that we'll be facing further rate increases in subsequent years is certainly not out of the question.

On the issue of the nuclear component, one must recall that it has been well over 20 years since the Ontario government made the decision that projected increases in demand could be met by thermal production of electricity. So complete has been the government's commitment to its nuclear policy that in some cases hydraulic plants have been simply closed rather than conscientiously repaired or refitted. Moreover, any arguments that questioned cost, reliability or long-term conservation either went unrecognized or were ignored.

Hydro's own figures for 1975 show the cost per kilowatt for thermo-nuclear electricity is some eight times that for hydraulically produced electricity. The ministry has made a serious error in judgement in operating Hydro under the assumption that the more you use the cheaper it will be, and thus, use as much as possible. We know that that sort of rationale, economically at least, has some reason connected with it with the old hydraulic component, but with the thermal component it simply doesn't add up.

As Hydro's rationale is to produce electric power at cost to the people of Ontario, it would appear obvious that their approach to marketing does not correspond to their ap-

proach to production. Ontario Hydro to this point has not changed its method of pricing, a method which discriminates against the smaller consumer. We have no doubt that better methods of pricing could influence the levels of consumption of electricity in the province, and that the average household could be given a preferred rate on initial purchases.

Hydro currently capitalizes to meet a peak demand, which usually comes some time in February and lasts for a few hours. This peak could be reduced, not only by incentive pricing but through effective technical adjustments as well as a more fundamental commitment to conservation. Hydro's failure with regard to the management of demand during this peak period is endemic of a more general attitude. Indeed, the entire Hydro financial situation and the policy of meeting demand come what may begs the question why Hydro was allowed to operate for so long without any legislative scrutiny.

[3:15]

Using thermal generation as we do at the present time, almost two-thirds of the energy input is lost. As can be so readily shown, this need not be the case. Moreover, as thermal generation allows for effective decentralization—for example, certain important industries can benefit because equipment can be relocated virtually anywhere—the need for further costly expansions of the provincial grid might be substantially reduced.

There is no question that the responsibility for this and future price increases falls directly on the government's shoulders. Energy is the key to our economic hopes, our standard of living, and we can no longer accept at face value the statements of a government that has shown itself so lacking.

At the same time, I am still of the opinion regarding the 30 per cent increase that if that proportion of Hydro's income—which it denies as profit but which is undeniably a profit—were ordered into the general revenue, the increase still might be reduced at least a few percentage points. I would urge the government to so order, as I understand that it has done on occasion in the past.

Hydro's mandate is to produce power at cost to the people of Ontario, and while Ontario Hydro would argue that it does not make a profit there are certain cushions which, through this critical year, could be eliminated. I believe the approach to be reasonable and responsible and still capable of maintaining the financial integrity of this system.

Mr. Nixon: Mr. Speaker, is it the minister's intention of concluding the debate at this time?

Hon. Mr. Timbrell: Well, if I can, I thought I'd speak now.

Mr. Nixon: There are other people to speak.

Hon. Mr. Timbrell: I haven't seen the full list. How many others do you have?

Mr. Deputy Speaker: It's the understanding of the Chair that the debate will conclude at 5 o'clock, and it's my understanding that the time allocation has been split up evenly among the three parties; 40 minutes each.

Hon. Mr. Timbrell: Mr. Speaker, I understand by indication from the member for York South (Mr. MacDonald) that there's one other speaker for the official opposition party.

Mr. Moffatt: Two more over here.

Mr. Peterson: There are several here.

Hon. Mr. Timbrell: Well, I understood that there was an agreement that we would rotate.

Mr. Nixon: I don't want to delay it, Mr. Speaker, but it is often the procedure that the minister in charge will wind up, so that the arguments can be answered or further information supplied.

Hon. Mr. Timbrell: Mr. Speaker, I am at the disposal of the House, as far as that goes. If you'd rather—

Mr. Nixon: No, that's fine.

Hon. Mr. Timbrell: —that I wait until later, I will. If you want to proceed with your next speaker, then go ahead.

Mr. Drea: Mr. Speaker, one of the difficulties in assessing the recommended rate increase for Ontario Hydro by the Ontario Energy Board is that at first hand it seems to defy a great many aspects of the anti-inflation programme in this country. Certainly a sizable increase in a very essential commodity has to be looked at, particularly at this time, in the light of whether there is an alternative to it that will do three things:

1. Protect the financial integrity of the corporation, which happens to be a very significant borrower in foreign markets;

2. Provide the utility with the financial revenue to carry on its operations within the limits that have been imposed upon its borrowing;

3. —and I regard No. 3 as the most significant—Provide the greatest benefit to the residential consumer, both in the light of the rates that will be paid, the service that will be provided, not only now but in the future, and the consequence of deviating from the recommended increase which has been reviewed by the Ontario Energy Board.

First of all, let's discuss the implications upon the utility in the markets where it must borrow and there is no argument in this House today that Hydro must borrow. It would be foolhardy to suggest that it could pay as it goes. It is less than a year ago since the smoothing process, which has been suggested as the alternative, went down the drain so rapidly that it isn't even mentioned in the report which came to this Legislature from the select committee recommending the 22 per cent increase which was finally adopted.

I say it went down the drain so quickly that it wasn't mentioned. It did not go down the drain without the considered discussion and thought of the select committee. There is not a member on that committee who didn't know exactly what was happening and they wanted the rates for 1976 to be as low as possible to cushion the impact of that raise.

I do not find it a reasonable alternative to propose to a corporation now that it revert to a financial position which was abruptly and decisively turned aside by this Legislature less than a year ago.

In short, I do not believe that smoothing—I agree with the member for York South that smoothing is an accepted practice. It has been accepted practice in this province for a great number of years. I agree that it makes admirable good sense. I agree that it probably helped put Hydro into the financial position it is in today. But not at this time. It was put out a year ago and everybody knew what was happening.

One doesn't play with the financial operations of a utility of the size of Ontario Hydro, saying that in 1975 on this rate increase it goes one way financially and in 1976 it goes another way. The obvious question is what happens a year from now in 1977? One can only play with financial figures and financial acumen for so long. Sooner or later we come to the day of reckoning, the bottom line, and this is the year when the bottom line is there.

Secondly, in terms of the revenues which must be raised, how can we go to a utility and say, less than a year ago, "Restrain yourself. Do not borrow. If you are going to have to build, build within the limitations of your

borrowing, the obvious point being that if you are going beyond the limitations which have been imposed upon you in your public borrowing, you are going to have to raise more revenue from your rates." Those are the only two ways that Hydro can raise funds.

Then we come back a year later and say, "Notwithstanding all that, go out and borrow a little bit more because perhaps next year the revenues will be higher; the recession may be over; a great number of things may happen. The New York bond market may be this, that or the other thing but by 1978 you will be back in a financial position where your revenues are keeping pace with what has been reviewed and found desirable by the Ontario Energy Board for the rate year of 1977."

Finally, we come to the consumer. The consumer is being asked to pay a bill—

Mr. MacDonald: They burn while we fiddle.

Mr. Drea: The consumer is being asked to pay a bill. The consumer was asked last year to pay a bill. In the light of the Ontario Hydro bulk rate increases until last year, as reflected in the rates charged by the local utilities, the raise last year was, quite frankly, to many consumers, appalling. Incidentally, the word used by the provincial Treasurer (Mr. McKeough) was obscene, not appalling.

Mr. Peterson: You are obscene; he is appalling.

Mr. MacDonald: I didn't see any big correction.

Mr. Drea: This year it is not so appalling. On the one hand, the federal government by its own action has raised most significantly, most substantially and most appallingly the two competitive sources of fuel and of energy for the consumer far more than even this increase.

Secondly, members opposite are asking the consumer to buy this kind of a flim-flam: "Yes, we will lower your rates this year; and while we can't guarantee what is going to happen next year or the year after in terms of fixed costs with Hydro, such as the cost of fuel, we're going to take it easy on you this year because we can spread it out, but don't really worry too much about it because by 1978 or 1979 it will all balance out." The time has come in this province where people expect to pay their full costs for energy. From government they want the commitment that their electrical energy, which they own and

which they control, will be produced at cost and that it will be supplied at cost or as near to cost as is possible.

I don't think it does any good when we're asking people to meet the challenge of not only the high cost of energy, but indeed the changing times in energy supply, production and availability, when we're asking them to tighten their belts one way, to accept energy conservation as a way of life, then to say, notwithstanding that, we are going to play a few little games with you on what the rate is and somehow we are going to try to postpone the day of reckoning into 1978, 1979, 1980 and so on.

If I thought smoothing would do a scintilla of good towards Ontario Hydro's financial position in terms of its borrowing, towards Ontario Hydro's financial position in terms of the revenue it must generate for the system, if it would really do anything for the consumer, then I assure you I would be a very strong advocate of smoothing. But the question of smoothing and all the things that went with it were given most deliberate, most detailed and most substantive discussion by the select committee in 1975. At that time, as I said before, smoothing and the other alternatives to meeting the day of reckoning were discarded. The work of the select committee was to make Hydro adapt itself financially as well as in an operational way to changing times, to quote the cliché, to take the fat out of Hydro. In the ensuing months by and large that has been done.

Surely now is not the time to say that after a few short months let's go back to the game of let's give this, let's give that and let's see what happens next year. I suggest to you, Mr. Speaker, the Ontario Energy Board has very carefully considered the application by Hydro. It has very carefully listened to the witnesses. It has issued a very detailed report. I think it would be foolhardy to try to fool the consumers of this province that there is an easy way out. The truth of the matter is there isn't.

As a matter of fact, hard as the increase may be this year, at least we have reached the end of the tunnel. To postpone it and put it down the road, quite frankly, is asking to go back to the gropings of late 1974 and early 1975; and to me that is a very grave disservice, not only to the consumers of this province but to the utility that must supply them.

[3:30]

Ms. Gigantes: Mr. Speaker, I can't resist picking up on a few of the points made by

the hon. member for Scarborough Centre. He makes smoothing, this very sensible suggestion that's been put forward by my colleague, sound like some kind of sin that is carried out in dark corners. Smoothing is a perfectly reasonable kind of adjustment which Hydro has itself carried on its rates for many years; and the reason it was not adopted in 1976, I should point out, was that you would have been smoothing up to the projection that we now have in front of us for 1977, and I would expect that even a Conservative member would understand that.

He talked about three elements that he wished to see satisfied before he would accept smoothing as a possibility for 1977. He said the financial integrity of Ontario Hydro had to be protected in foreign money market. Of course it has to be protected, and every member who sat on that select committee is very well aware of the nature of the concern expressed by the money lenders in New York about not Ontario Hydro but the Ontario government. The fact remains that the Treasurer's limitations on borrowing for Ontario Hydro were made, in his own words, "to allow the government of Ontario room in the money market." He then later announced that he intended not to borrow in New York during this year and there is, therefore, no good reason for the kind of limitation which he has placed on Hydro. I'm quite convinced, from the kinds of testimony that we had before the select committee, that the amount of borrowing that would be involved or smoothing for 1977 would not be a danger to Ontario Hydro's financial integrity.

He talked about meeting the borrowing guidelines and the whole theme of his speech seemed to be summed up in the attitude he displayed on this question. Because what he's saying is, "What is, is; because it is, it shall be." That simply is not a very good explanation for anything, let alone our Hydro rates for 1977.

He talked of benefit to the consumer and I think he rather dismissed what happened to the consumer in the last few years facing hydro increases. Last year, as you'll recall, Mr. Speaker, with great reservations the select committee recommended that the rate for 1976 should be a 22 per cent increase over 1975. We are now contemplating a recommendation for a 30 per cent increase. Surely the member for Scarborough Centre and the Minister of Energy (Mr. Timbrell) and Ontario Hydro cannot believe, nor can the Treasurer, that the consumer of Ontario is not aware that the crunch is on. He's been crunched; he knows it, she knows it. There

is no need to drive home what seems to be almost a moral lesson this government is trying to make. I think the consumers in Ontario have felt that lesson, and if they didn't get it sooner I suggest that the fault lies partly with the government of Ontario.

What we're talking about now is the projection over the next three years. It says: "In 1977 Hydro rates shall go up by 30 per cent. In 1978 they shall go up by 15 per cent in addition. In 1979 they shall go up by another 11 per cent"—the Minister of Energy shakes his head; good, good; I hope it's better—"and we are going to have a decreasing rate of increase after 1979 and into the 1980s."

Let's look backwards at how we got into this situation. There is a kind of broad outline, as I see it, of the reasons for suggesting smoothing at this stage. It's several years ago—it must be several years ago; it must be between five and 10 years ago—that Ontario Hydro became aware that, based on its historic growth pattern of seven per cent, which it followed, the growth and demand has gone up seven per cent every year, smoothed over the last 50 to 70 years, that we would be getting to a crunch in our hydro costs just about now.

What's been happening is we have been running out of sites for cheap hydro-electric development—and that was clear to Hydro for years back. Then it had to make a judgement about what the alternatives were. It had to make a judgement about what to do, now that cheap hydro was a thing of the past. It had to make a choice: It could go nuclear versus other fossil fuels, it could go a centralized system versus a decentralized system and it could go for a growth system or a conservation system.

Let's review what kind of choices it has made. Hydro chose the nuclear system; that system now stands in question in my eyes and I think in the eyes of many who were on the select committee. Hydro chose the centralized system, the system with large installations where you have to have massive reserves in case one of your units goes out. Hydro chose a growth system; Hydro assumed that the seven per cent increase in demand for electric power in Ontario would keep on, that every 10 years our demand for electric energy would double. Those were the choices Hydro made.

Hydro is a publicly owned company, and the public has been content over the last several decades to allow Hydro to make its own planning; it has been content with the way Hydro has operated. We have been going through a period when Ontario Hydro

could supply us with electricity at a decreasing price in terms of our take-home pay. Hydro knew that was going to change, it knew many years back that was going to change, and it still made those choices, which I consider to be questionable choices when you look back.

Hydro is one of the biggest businesses in the world, and the public has been content to let it operate with a dynamic of its own because it produced for us what we needed: energy at a good low cost. Hydro has been used to creating its own demand for its own produce. It has been selling electric energy. It has created, in a sense, the crisis that we now face. It is used to considering costs as something that get passed through, and it is used to planning and operating, like other huge corporations, without any kind of concern about what public reaction will be.

Now things are changing. We began to see, through the months that we sat in the select committee on Hydro, a change coming too in the attitude of Ontario Hydro. It is a very slow change. It is, I suggest, a very reluctant change. This organization has rolled on for years with its own dynamic, its own inward looking view of how to produce energy for Ontario at what price and for the benefit of whom. This corporation doesn't take kindly to the kind of investigation that we put it through during the select committee procedure, but it is nevertheless beginning to respond.

I suggest to you, Mr. Speaker, that when Ontario Hydro, and indeed the Minister of Energy, came before the select committee last fall, they were not very enthusiastic about conservation. This day marks day two of conservation week in Ontario, and the attitude has obviously changed: conservation is now in. In a limited way it is beginning to get going for Ontario Hydro and for the Ministry of Energy. But last year, just a year ago, the Minister of Energy, ministry officials and Ontario Hydro were definitely downplaying to us in testimony the positive benefits that conservation could bring to Ontario. But times change; even Hydro changes.

I think that Hydro has not changed enough yet and I don't think the Minister of Energy has changed enough in his attitudes yet. I heard him, in interviews this summer in the Ottawa area, dismissing the benefits that could be achieved with a revised rate structure for Ontario Hydro.

Hon. Mr. Timbrell: Mr. Speaker, on a point of order. The member purports to credit certain comments to me. I am afraid, from what she said, that she's dead wrong—as usual.

Mr. Deputy Speaker: That's not a point of order.

Mr. Breithaupt: It's not even a point of view.

Mr. Cunningham: It's not even a point.

Ms. Gigantes: Mr. Speaker, I can only report what my ears heard. There is an attitude on the part of the Minister of Energy, the Treasurer of Ontario, and Ontario Hydro, which I can only describe as a "brownmail" attitude. They go around talking about brown-outs; it is "brownmail." They are trying to frighten us into saying that whatever they decided seven years ago, 10 years ago, is going to hold true today; and whatever costs they decided seven years ago we could take today, we are going to take and it is good for our souls while we do it.

I think our souls have had enough and I would like to see the pinch come back on Hydro. I think the select committee rattled Hydro. I like to see Hydro rattled and I think the people of Ontario like to see Hydro rattled. They have lost confidence in what is happening with Ontario Hydro. I think we should keep rattling Ontario Hydro and I think one of the ways we should rattle it for 1977 is to insist that it smooth its rates. I think this is a very reasonable proposition.

I suggest that when the AIB controls are off it would be much more appropriate for us to take the kind of burden which is being suggested for this year of controls. I think it very unfair of this government to have signed an agreement with the federal government which allows industry to pass through costs, and which is going to put the same kind of burden on residential consumers who cannot pass through costs.

I know that industries are going to have to pay increased costs for hydro-electricity, for electricity, in the coming year. They are going to have to pay the 30 per cent bulk rate increase, too, but they can pass on their costs. Residential consumers can't and their wages are limited these days.

I would like to make one further point. The longer we can delay the brutality of a 30 per cent increase—in other words, the more we can smooth that kind of increase—the more time the residential consumer has to prepare for the future of conservation, the

conservation future we need in Ontario. We still need some time to get all that insulation into our houses. This is a cold winter in Ottawa. It has started already and it snows every two days. God help the consumer in eastern Ontario if he is going to have a winter that lasts for eight months. That is the way it looks.

Mr. Peterson: I want to address a few remarks to the minister which I think would be helpful.

At the outset I want to say I am surprised that we are in this kind of debate today, this House never having had an opportunity in any detail or in any substance to address its mind to this very major report, the public policy and the direction for Hydro. We had, as I recall, a very brief debate last spring when this thing was introduced. To this point in time I have seen absolutely no results from that investigation or any meaningful results through the ministry.

I think it is fair to say that observers of this scene have looked at that report and said it is really a very fine document and a fine piece of work on Hydro. There were a great number of recommendations in there which should be addressed by the Ministry of Energy particularly.

I think what is very revealing to me—I would like to point out that the terms of reference of that committee were to investigate a price increase last year. As members recall, at that time Hydro was talking about a 30 per cent increase. I think my friend from York South was quite right, Hydro did really want a 37 per cent increase last year although it asked for only 30 per cent. It went down to 25 per cent, then to 27 per cent and eventually, some time very late in December—

Interjection.

Mr. Peterson: Would you be quiet please? You can have something to say afterwards.

Hydro came back finally with a 22 per cent increase. It was a long, cumbersome, unfair procedure in the sense it was very unfair to Ontario Hydro because no company of that size, that magnitude, can be expected to plan on the basis on which the ministry has really forced it to plan. That is just one of the things which I think has to be pointed out in fairness.

What bothers me about this is that this very substantial document to the best of my knowledge—the minister may know more about this than I do; however, I doubt it. It may have been reviewed by the ministry and

something may have come of it but I think we should address the minds of this House, and the ministry should address its mind to acting on these very significant proposals.

Let's not forget that out of 41 proposals, as I recall, 20 are addressed to the Ministry of Energy, not to Hydro; not to Hydro but to the Ministry of Energy. I want to read to you, Mr. Speaker, and put on the record of this House what the first recommendation of that committee was. I have great respect for all the people who were on that committee for the final report because I think it was very well done.

Mr. Deputy Speaker: With respect, to the hon. member, we are dealing with item 31, consideration of the report of the Ontario Energy Board as opposed to item 29 which will be discussed at a later time.

[3:45]

Mr. Peterson: I might have lost you in this, Mr. Speaker, but I see them as very relevant and I see that this should antecede the debate we're having today. I think the whole structure of this thing has been a very serious mistake. I think you'll find they're related and I beg your indulgence. Thank you.

I just want to read the first recommendation and put it on the record: "That the Ontario government develop and clearly articulate government policy towards Ontario Hydro." This was done last spring, and now here we are, in the absence of this, debating energy rates, starting in 1977. I see it frankly as a very superficial approach to this very serious problem we're all in. I think the ministry should have some very clear answers for the reason and the way this situation was handled at this time.

My friends have had some interesting points of view, and I frankly don't disagree with them very much. I don't think my friend the member for Carleton East (Ms. Gigantes) has the idea that we just want to go on rattling people or rattling Hydro, I don't think that's the point. We have to dramatically change its direction, its focus and its management. There are so many things—

Mr. MacDonald: That's another definition of rattle.

Mr. Peterson: Rattle? That's certainly not the street definition of rattle. You may have your own.

Ms. Gigantes: I don't hang around streets.

Mr. Breithaupt: You never know with the NDP.

Mr. Moffatt: A group of old smoothies over there.

Mr. Peterson: Let me say this needs far more attention and direction. There are many things that we have talked about in this party and my friends have talked about from the NDP, and they're not wrong. They are conscientiously trying to develop and contribute something to lessen the impact on the average consumer. What I don't think enough attention has been paid to in this debate today is the impact on the average consumer. I understand the things that my friend from Scarborough West—or whoever was talking about—

An hon. member: Scarborough Centre.

Mr. Drea: I am not your friend either.

Mr. Peterson: It's all right; I used that word loosely.

Mr. Good: With licence.

Mr. Mancini: Anybody who sits next to the member for London North (Mr. Shore) is in trouble.

Mr. Peterson: This is going to have very serious repercussions and very serious effects for a lot of people who are on fixed incomes or on lower incomes. There are ways to handle that situation and my friends have pointed out several. I think they're making a meaningful contribution to this debate. But what happens is that all of us in government, in my view, are creating a tremendous credibility gap with the people of this province and the consumers because at least you did and we did participate in a debate and agreed to opt into an anti-inflation programme that controlled wages and controlled prices, and I don't want an argument about that. The point is that on one hand when we do that and on the other hand go back and say we are in a government-controlled institution but put the prices up 30 per cent, I'm telling you we're all losing credibility, and you're losing more than anybody.

I see that as probably the single most important reason at this particular time to bring into account all of the dramatic things we can do to lessen the impact on that average consumer today. That's why I believe we are furthering the rift between people and government and people on the streets and the average consumer of this province by bringing in this kind of legislation. Believe me,

it's a mistake and believe me, you have an awful lot of apologizing to do. You will never be able to convince the people you're doing the right thing in this particular issue. I see it as a very serious issue.

There are lots of small things we could have done, and we are very late in terms of years in addressing some of the very serious problems in Hydro today, in my mind. Certainly you have many excellent suggestions. With regard to the rate structure, it's coincidental or fortuitous or incredibly good judgement on your part—and you people are so good at sliding out things at the very last minute; you glance over the tops of subjects but you really don't get to the guts of the subject—to come up two days ago with a change in the rate structure. It's not the kind of rate structure in my mind that's going to really solve the problem, and by your own words we're into 1979 before implementing that. With all of the planning staff you have, with all of the bureaucrats you hire, surely you should have seen these problems coming, surely you should have been planning a lot further back than just this last year. We should have been in rate structures that discourage consumption, not encourage consumption. I am glad to see some small step for mankind in that particular area. It's late coming and it's not very satisfactory, but it's better than nothing, I'll grant you that.

There are massive programmes in load management and education that could be brought in—that could have been brought in two, three, four, five years ago. Instead, as my friend has pointed out, the government has really run an organization that's helped to create the demand, it has created a mess, it is to a large extent the author of its own misfortune and the misfortune of the people of this province at this time. I see it as regrettable that it's so late coming about. I see it as regrettable that the government has not addressed its mind to this issue far sooner than we have today.

Later on today my friend, the member for Grey-Bruce (Mr. Sargent) is going to be talking about a private member's bill on his method of pricing for Hydro. I support that. I think it's a valid one. It's worked in certain jurisdictions in the United States and it's one that the futurists and people are looking at for an intelligent way to make people pay the fair cost of what they are consuming, but on the other hand not to penalize that person who's on a low or a fixed income where that person is sensitive to and careful with our finite resources, and we're finding that hydro is one of those.

What we haven't done is we haven't changed the mandate of Hydro, and it has to change. It is no longer going to be acceptable just to say, "Well, they reasonably well fulfil their obligation to provide power at cost." We are working under totally different constraints today. It's how much we can afford. We are going to have to build within those confines today and every one of us is going to have to adjust his behaviour and consumption patterns into that particular framework rather than just go on trying to cater to everyone's demand as they perceive it.

Frankly, the ministry's been very slow to realize this and very slow to do anything about it. For the sake of this province and for the sake of everybody's children, it's got to start doing that faster and tougher, and with more authority, and it has to put its stamp on this thing. This takes a hard minister and it takes a tough minister; and frankly we haven't seen it so far.

Thank you, Mr. Speaker.

Mr. Deputy Speaker: The hon. member for St. Andrew-St. Patrick.

Mr. Mancini: Are you supporting the increase?

Mr. Grossman: Getting back to the item on the order paper, Mr. Speaker, I anticipated the debate would, of course, get off into a discussion of things that were covered in the presence or absence of some of the members of the select committee on Hydro last fall and spring, and some of the other matters which, as the member for London Centre (Mr. Peterson) has suggested, would be more appropriately dealt with at the time at which this assembly deals with the report of that committee.

But I did want to address myself to what really is going on today. We all knew at the select committee what lay ahead for Hydro on the rate hearings in 1977. In fact, last December when the select committee came before this assembly to ask for a new, refreshed, expanded mandate to sit into the spring, the reason for that, as well outlined then by all members of the committee who spoke on that day, was a general recognition of two things: First, that it wasn't quite as easy as a lot of members had anticipated to slap around Hydro rates for the sake of political convenience without seriously impairing Hydro's financial stability and the health of the provincial economy generally. After a few weeks, when most of the members of the committee came to

understand that it wouldn't be such a politically attractive committee, that it wouldn't be a situation in which we could go in there at 25 per cent and come out at 12 per cent and go back to the folks at home and say, "We've saved you a heck of a lot of money," after that settled in and those persons who wanted to be on that committee in order to accomplish that disappeared, then we got down to the real gut issues.

We realized and reported to this House that very careful, lengthy deliberation was necessary before we began to juggle with even one or two percentage points when it came to the recommendations of the OEB last year.

We went through that exercise—and I might add all members of the committee, sitting through the winter and spring months, worked very, very hard and diligently at understanding as much as we could about the processes of Hydro, what was involved in the New York bond market, what was meant by financial integrity, and one thing that the committee has included, and it's reflected well in the debates in this assembly subsequently, was that it's really the systems expansion programme of Hydro that affects the rates directly and that causes the generally greatly increasing rates over the last few years.

I think it's relevant to understand the great emphasis that all members of the committee last fall and last spring put upon the financial integrity of Hydro. Remember at that point we were dealing with the difference between 25 per cent and 22 per cent. We went from 25 to 22 and there was some discussion at the committee of how attractive it may be to get it down another two points from 22 per cent to 20 per cent, but at what cost?

In the midst of that discussion—I think it's important to reflect back on what we were thinking of then and how careful we were when it came to even going from 25 per cent to 22 per cent, and when we had brought Hydro to that narrow margin, how we decided not to go from 22 per cent down to 20 per cent for whatever reasons, under whatever systems, be it smoothing or anything else.

I'd like to read an excerpt from the transcript of the key night of the committee—indeed, I see it occurred at 10:55 p.m., which was a lengthy night session during which we dealt with the guts of the report, December 4, 1975.

Mr. Renwick: . . . The increased deficit and the cutback in the shared cost pro-

grammes with the federal government, those were matters. So it seems to me [I can't understand the language, I might say] that so long as we maintain in difficult times, which everybody recognizes, a slight improvement in the Hydro position, then the basic problem which the New York bond market faces to the extent that what Ontario does can change their attitude anyway, relates to the province's decision with respect to the budget.

We then came into the House on December 17, 1975, and without taking the time of the House to read a lot of the excerpts, I think for an example we can read at page 1842 the remarks of the member for Carleton East (Ms. Gigantes), and I quote from page 1842:

I don't think there is any question in the minds of anybody who sat on that committee that in the long run we must examine not only the points which have been raised but whether or not Ontario Hydro should be limited in its operations by what is called its credibility on the bond market; or what is called its financial integrity. After five weeks' work and leaving Ontario Hydro out alone in the bond market, with none of us there promising to buy the bonds, we all felt, I think, that we had to allow Ontario Hydro a few months in which it could get the needed capital flow and in which we could take serious steps to examine the total direction of Ontario Hydro.

Later on the member continues: "We have to be able to provide that supportive action for Ontario Hydro before we can send it out sailing into the rough waters of the international financial market in times such as these."

And I think, in listening today, the member for Carleton East accurately reflects the very proper and careful concern of herself and her party for those financial integrity matters as they relate to Ontario Hydro. But those were the things which caused us in December to recommend in an interim fashion that we go only to 22 per cent.

[4:00]

But subsequently the NDP made a proposal to smooth the bulk power rates so that the increase this year would be 20 per cent, next year 20 per cent and the following year 20 per cent. The net effect of that would be to trace the debt-equity ratio, one of the important indicators of the New York bond market, so that the flow would have been 83 per cent in 1975, worsening to 85 per cent in 1976—those are facts—and under the proposed smoothing scheme of 20 per cent it would worsen it once again to 86.1 per cent. Again, a steadily worsening financial position.

I think one must keep in mind the remarks made so carefully in that very important evening session of the select committee on

Thursday, December 4, where Mr. Renwick and others commented at quite some length upon the importance of continually improving the picture so far as the financial integrity of Hydro was concerned; even if one could not substantially improve it to the satisfaction of Hydro, among others, the important thing was to show that the situation was improving. Yet the smoothing proposal as presented by the official opposition would continue the decline in the financial position of Hydro.

I want to be fair to the member for Carleton East. I was listening outside, and I thought I heard her suggest that it's an academic argument this year because Hydro is not going to the New York bond market. Is that unfair?

Mr. MacDonald: No. The government is not.

Mr. Grossman: Government is not, but Hydro is. Exactly. Hydro is still going to the New York bond market for some \$650 million in any event, so the argument has to retain some very important validity.

I also want to say that the select committee, regardless of our mandate, did deliberate at length on just about any matter that we really felt was relevant to Hydro rates in the next ensuing years; and for that very specific reason we asked that our mandate be extended into the spring.

May I draw your attention to Exhibit IV-12, the source being Ontario Hydro Exhibit B-95 as filed before the committee. There, it was clearly set out that 1977 was going to be the very bad year in terms of Hydro rate increases and subsequently it would drop, at least in the charts shown here, to something like 14 per cent in 1978, 10 per cent in 1979 and about seven and a half or eight per cent in 1980.

The point I am making, of course, is that these exhibits were before the select committee. We were willing to sit as long as necessary to cover all the points that were relevant. All of us were there, well educated in the relevant facts as they related to Hydro rates in the next few years. No one at the committee suggested that we get into a long or detailed discussion of smoothing over the next few years. I must say that my memory may not be as good as that of the chairman of the committee. He certainly was very diligent and was there for every minute of the deliberations; I must applaud him for that. He may remember a little better than I do, but I think it would be a gross exaggeration to suggest that we debated the issue of smoothing ad nauseam. I just don't think we

did; at least I wasn't in the room when we did, and I wasn't gone for very long.

In looking over the minutes of the select committee, which I did over the weekend, I could find one or two places at which we discussed smoothing. I think the most substantial instance was at 10:40 a.m. on December 4 in response to some very good points raised by the member for Erie (Mr. Haggerty). But I wouldn't say the discussion was ad nauseam, particularly compared to some of the other evidence we heard on some rather more obscure points. I really did want to make the point that I think the committee could well have dealt with this as a proper matter if members of the committee thought that smoothing would be a problem. We knew what the projected picture was for Hydro rates. It was right in front of us; here it is in the report. I objected strenuously when the committee instructed our very excellent and able Mr. Fisher to come out with a model projection which confirmed Hydro's projection. The chairman of our committee dealt with this when he brought our final report into the House on June 18, 1976. I'd like to read from page 3578 of Hansard, Friday, June 18, 1976.

Last week there was quite a flurry when it was noted in the committee's discussion of the final draft of the report, that Hydro's rates next year might likely result in a 34 per cent rate increase. May I emphasize that this is not the committee's recommendation; that this is not the committee's view.

Hydro's balance sheet is not favourable and the last estimate the committee was able to make was that on the basis of those costs Ontario Hydro's rate increase next year might well be in the range of 34 per cent; the year after that in the range of 14 per cent; and beyond that it would drop down to under 10 and even to under five—when we get on to 1983, 1984 and 1985, an under five per cent increase each year.

Whatever is going to be the fact rather than the speculation for this coming year we will know rather shortly because the statutory obligation on Hydro is to announce what rate they feel they will need for next year.

That is the excerpt. Of course, that's precisely the point—all of us knew and were aware of the ensuing problems. The committee should have dealt with the smoothing problem; it should have called all the witnesses appropriate at that stage. The chairman of the committee and everyone else understood what the reason for the anticipated 1977 rate increase requested, in any event, was going to be. The chairman of the committee, as he spoke in the House, although the inflections in his voice may have been as clever and glib as they usually are when he said this—I haven't perhaps said them as well as he might have—seems to have been fairly straightforward and un-

equivocal in predicting what was going to happen in 1977. It was hardly a secret.

Mr. MacDonald: What I'd like to predict is what the government will do to cope with it.

Mr. Acting Speaker: Order, please.

Mr. Grossman: Today's debate really focuses on the smoothing aspect of it. I suggest that one must keep in mind in determining this problem all the reasoning, all of the work, that went into deciding that 22 per cent, not 21 per cent, was the appropriate level for the 1976 rates. I recall last December all members of the committee save and except for two—the member for Sarnia and the member for London Centre—rising in the House to be very critical of the suggestion made by the member for London Centre in particular. I don't want to be unfair to the member for Sarnia but the member for London Centre in particular had tended to suggest that the determination was an arbitrary one by the committee. It just wasn't; everyone agreed that we thought very long and carefully about arriving at 22 per cent.

Mr. Mancini: He didn't agree with you.

Mr. Grossman: My point is that when we went through that long exercise to get the 22 per cent, not 21 or 23, if we were going to smooth out what we knew was to be a large rate increase for 1977, no one on the committee would have objected to a long series of witnesses dealing with that very important matter of smoothing—in a report emanating from that committee we certainly weren't shy in going far afield to deal with any recommendations we felt were appropriate in the energy field because we knew we were dealing with energy rates, with Hydro rates, in 1977 and 1978 and so on. If it was appropriate we should have done it then.

I might say that it could be that smoothing is appropriate at this point in time. Not having heard all that evidence, not having had the witnesses, not having had the opportunity to update the financial situation of Hydro, I don't hold myself out as some other members do as having all the knowledge there is to have in the field of energy as of today's date, nor as of any date I might add.

The point I want to make is that we went through careful deliberations. I think it's careless at this stage to say arbitrarily, "Let's go for 20 per cent across the board for the next three years. It's pretty safe because by next year who is going to remember that

otherwise the rate would have been 11 instead of 20?"

Finally, I want to say that there's a whole other broad issue and that is, when we get into deferrals, which we did get into, cancellations, which we did get into, then we begin to really upset the desirability of making those people who are using the system pay for the system in the proper year. That's a very complicated theoretical argument, but every time we get into one of these things, let's save for today and shove it on to tomorrow, then we are tending to distort any attempt to properly allocate any of the costs that are attributable to Hydro to the proper consumers. We could, of course, debate for days and days as to who should be paying for nuclear plants, if we continue to have them, or whatever, which consumer should be paying how much in which year. My point is that when we get into a select committee that sits for months and months and comes out with a determination, a difficult one, and then come along later and say, "Let's move it out and knock it off for two years," then we are arbitrarily in that sense setting up a different balance, a different apportionment of bearing the costs of electrical energy among the proper consumers. Thank you, Mr. Speaker.

Mr. Deans: The comments made by the previous speaker are interesting, but they don't really address themselves to the problem that we currently face. The committee did, in fact, deal with the matter referred to it, but the matter of this year's hydro increase wasn't referred to the committee and so, therefore, it could hardly deal with it.

Mr. Nixon: That is precisely the point he made when he started, when he was criticizing the speaker immediately before him, so there is nothing new.

Mr. Deans: Okay, so what we are going to talk about now is the impact of the increase that is being proposed now and the only opportunity to do that, Mr. Speaker, is today here in the Legislature. The part I think we have got to understand is that when we consider the 30 per cent plus increase that is being proposed, we recognize that this increase is being imposed at a time when wages are under severe pressure, when the AIB is continuously rolling back wage increases to a level that makes it very difficult for the average individual to keep pace with the cost of living. So when we take a look at what's being proposed and we try to extrapolate what will likely come in the years

ahead, we come to the conclusion that while it would be nice if the people of the province of Ontario in the year 1976 could afford to carry the full burden of Hydro's needs in the year 1976, it isn't practical in the year 1976, and so we have to look at alternative ways of providing Hydro with their financial needs while at the same time ensuring that the public of Ontario won't be overburdened, and that's exactly what we proposed from this party.

We said that for major expenditures it's not uncommon for people to look at evening out or smoothing out the impact of those expenditures or purchases over a number of years. This happens in everyone's day-to-day life, where they look ahead and they say, "I would like to pay for it all today but I really don't have the income that would allow me to do that. I anticipate that next year I may have a little more income, and the year after I may have a little more even than I have now." Therefore, if we could even it out over two or three or four years and bring the increased costs down to something more manageable, then that would be in the best interests of the people of the province of Ontario. That's the position that we put forward and that's the position that we stand by.

There is nothing wrong with smoothing, provided smoothing means that the reduced costs that will hopefully flow from the recommendations that were made last week that the minister tabled in the House, and from the other projections that have been made with regard to the overall needs of Hydro to meet future commitments—

Hon. Mr. Timbrell: Rates?

Mr. Deans: I am talking about rates and everything, the fact that in years to come the increases that will be necessary will be considerably smaller, presumably, than the increase that is being levied this year to meet the Hydro commitments.

[4:15]

So our suggestion is quite simple, that we understand that these may well be Hydro's needs, and we understand that the province of Ontario doesn't have the intention at the moment of going into the marketplace and borrowing money, and that the province of Ontario, because it doesn't, is in a position to borrow short-term money at a reasonable interest rate by today's standards, and that therefore we could make the impact less this year, and next year, and even the year after, if we were to smooth it over three years.

If you were to follow the process out to its logical conclusion it could be smoothed over a longer period than that if necessary in order to ensure that people on fixed incomes—the people whose plight was raised this afternoon with the Minister of Community and Social Services (Mr. Taylor) won't have to bear this additional burden, and that the people on pension won't have to bear this additional burden, and that people who are the working class people of the province of Ontario, whose incomes are being severely restricted by the Anti-Inflation Board, also won't have to find the additional moneys necessary.

The minister may say, as he has said, that in dollar terms the amounts of money that they are talking about on average across the province, the difference between 30 per cent and 20 per cent, is \$1 or \$2 a month. This argument was put forward some time ago. The problem there is that if we were to adopt that theory and say that it doesn't make any difference because it is a little amount, and if we were to apply that theory against every other cost increase, we would find that people would be unable to meet their commitments.

Therefore, I think we have to be more careful in the way we approach it. We are not suggesting for a moment that Hydro needn't get the amount it requires. We don't think they need it all in January. We think it is possible that 30 per cent or 33 per cent of the total increase projected for this year could be smoothed out over the two remaining years. We think that would serve the public of Ontario better than the proposal put forward at the moment. We know the money that would have to be borrowed would have to be borrowed on short-term notes by the province of Ontario, but we also know that would not appreciably upset the fiscal integrity of the province or of Ontario Hydro.

Then, if we look at it more carefully we find that in this year if we went to a smoothing operation, and we had 20 per cent increase this year, 20 per cent increase next year, rather than the 30 per cent proposed and the projected 15 per cent that I understand is in the offing for next year, the actual over the two years that remain of the Anti-Inflation Board, the total amount of the increase to the consumer would be six per cent to eight per cent less. That would mean the consumers in Ontario, while they were under the Anti-Inflation Board would pay considerably less for Hydro service than they would under the proposal that the minister

appears to be following and appears to be going to accept as reasonable.

Then, when we get to the year 1979, the Anti-Inflation Board no longer exercises the jurisdiction that it presently exercises, when it is no longer in effect, as the government of Canada, if we are to believe anything it says, indicates it won't be in effect, by that time we would assume that wages would then rise, again reasonably, but somehow in keeping with the increased cost, and in that year, though the increase may be a little higher than it would have been under the minister's proposal or under Hydro's proposal, it would be easier for the people of Ontario to cope with it because their incomes would be higher.

We suggest it is wrong, it is simply wrong in this province at this time to propose a 30 per cent increase. It is wrong, not because it isn't needed. We understand that. No one is arguing whether Hydro may need that much money. I don't know, but I suspect that probably they do need the money. That is what the Energy Board tells me. But what I am saying is the public of Ontario cannot carry that burden this year. It can't carry that burden this year. But if the minister will allow the smoothing operation to be put into effect, they can carry the total three-year burden smoothed over three years. They can carry it more readily than what he is proposing to do or what Hydro is proposing to do and what I suspect the minister and his government intend to adopt.

I don't know how we tell people on a fixed income that they are to find the additional 30 per cent to pay their Hydro bill. I don't know how they will find it. I don't know how I'd go into apartment buildings and tell many of the elderly that I deal with every day that they have to find another 30 per cent in addition to what they paid last year for their Hydro rates. Therefore, I'm suggesting whatever we can do that is any way reasonable to reduce that particular burden to something more manageable is an obligation we have to undertake in this Legislature.

While you may tell me that in the long run over the whole three-year period it will cost more to smooth than it will to pay as you go, I suggest that very same principle attaches itself to almost everything in life; that it would cost less to buy your car outright in 1976 than it would to pay for it over the period of three years. The fact is that people can't afford it and so, therefore, they do it over a period of time they can manage with-

in their capacity to pay. If this were the only increase that people were to be faced with during this current year, then of course you may say that since this is all that they're going to have to pay and there will be no other increases in any other commodity area it is a reasonable increase. But this isn't the only increase; it's only one of a large number of increases that they'll be forced to pay.

Mr. Acting Speaker: Perhaps I could draw to the hon. member's attention that his time has just about expired.

Mr. Dean: I won't take more than 30 seconds to wind up. What I'm suggesting is that while the minister may, in a statistical way be able to show that the money that's being asked for is necessary, and while he may argue that it would be better to pay as you go, my counter-argument is that what is better isn't always possible. In the province at this time with the Anti-Inflation Board already in place and restricting wages and incomes, and given that there are other price increases imminent and already occurring, we have to take every step to ensure that the impact isn't too great. I suggest to the minister that a 30 per cent impact at this time is more than the average consumer can afford, and we should make every effort to reduce it to something more manageable by a smoothing operation.

Mr. Acting Speaker: Perhaps I might draw to the hon. members' attention that it is my understanding there was 40 minutes allocated to each party. The NDP has used its 40 minutes, the Liberals have used 17 minutes and the Conservatives 30 minutes.

Mr. Nixon: Just 17?

Ms. Gigantes: You had nothing to say.

Mr. Sargent: Mr. Speaker, I will confine my comments to about two and a half minutes because we have some very good talent in the wings here in our party. Whether it's a 30 per cent increase or a 50 per cent increase, we're so close to the forest we can't see the trees. About 40 per cent of the total revenue of Hydro goes to pay interest. The mess we're in today, talking about a 30 per cent increase, is totally because of nuclear power. As for the \$35-billion programme we're embarked on, we're shooting craps with destiny, believe me. Isn't it strange that here we have the largest programme of its kind in the whole world, the biggest project we've ever had, \$35 billion, in the hands of a neophyte minister, in the hands of a man

who has had no knowledge in the area of government or business, a minister who's completely under the control of Hydro.

Mr. Good: Right.

Mr. Reed: It's true.

Mr. Sargent: Even if this programme ever comes into being, in our lifetime it'll only handle about 10 per cent or 15 per cent of the total load. Our position today in the bond markets of the world is so bad that shortly they're going to be closing the doors on us. The credit of the great province of Ontario is zilch right now. Down the street about 400 yards from us, fellows, is a statue of Sir Adam Beck. He created Hydro for the people. We own Hydro, but who sets the rates for Hydro? We're in bed with a great massive programme, a billion-dollar programme of nuclear power, with the contracts being let on the no-low-tender basis, on the proposal system. Here we have Robert Macaulay now being paid as of last year about \$3,000 a week to give this minister advice. Mr. Macaulay himself says that Hydro is irresponsible. The Ontario Energy Board hearings confirmed that this government uses Hydro for political purposes and that Hydro budgeting was completely out of control. Here we have this government giving \$100 million of our money out of this department to the Syncrude programme as a gesture of good faith.

Interjection.

Mr. Sargent: At the Energy Board hearings, Hydro admitted it had lost about \$43 million last year in Pickering and the next three years are going to be just as bad, it says.

I say to you, Mr. Speaker, in sitting down, more will come on later about this but the public opposition to nuclear power is growing in every state to the south of us. In Denmark, Norway, The Netherlands, West Germany, Switzerland and Sweden, they're all putting it in limbo.

Mr. B. Newman: The government was defeated in Sweden.

Mr. Sargent: In Arizona, Colorado, Oregon, Washington, Montana, Ohio, all these nuclear plants are going into limbo because of the costs and the hazards involved. But here we are embarked on this fantastic \$35 billion programme, the largest in the world. We can't borrow the money in the USA. Maybe we're going to talk to the Arabs shortly but we're going to collect it from the people who own Hydro.

An hon. member: Send Marv over there to get the money.

Mr. Nixon: He'd be a good man to send over there.

An hon. member: We'll send Larry over.

Mr. Sargent: I say very briefly that we have nothing to say about it because this minister—

An hon. member: I think Marv would be better.

Mr. Sargent: —is under the thumb of Hydro and it's time the tail stopped wagging the dog and we stopped the billion-dollar giveaway to the friends of the Tory party.

Hon. Mr. Timbrell: On a point of order, I suppose, do I understand that the agreement of the House leaders has been abrogated yet again by the Liberal Party? That they're changing it?

Mr. Acting Speaker: No.

Hon. Mr. Timbrell: Were there not numbers of speakers as well?

Mr. Nixon: Such a sensitive and reasonable person.

Mr. Deans: No, on the point of order, the agreement was that each party would have 40 minutes.

Hon. Mr. Timbrell: Mr. Speaker, it's just that I understood there was a list of speakers.

Mr. Deans: No, the list was only for the purpose of letting the Speaker know who was likely to speak but the agreement was for 40 minutes each.

Mr. Acting Speaker: For the benefit of the hon. minister, there's still 10 minutes' time left for the Conservative caucus and I would assume the hon. minister might wish to use that time.

Mr. Mancini: Mr. Speaker, first of all, I think the minister should apologize for that statement he made about our party. I think it was totally uncalled for.

Interjections.

Mr. Mancini: You won't? Well, that's typical.

Hon. Mr. Timbrell: I consulted with the member for Wentworth, and he agrees with me, I think.

Mr. Deans: Don't apologize. You were wrong.

Mr. Nixon: You guys have been together for quite a while. However, the member for Wentworth, having dropped his pearls of wisdom, is preparing to depart.

Mr. Acting Speaker: Order, please.

Mr. Deans: I am going to listen to my colleague and so should you. You might learn something.

Mr. Acting Speaker: Order please. Perhaps the hon. member might be allowed to return to his contribution to the debate.

Hon. Mr. Henderson: There was lots of Hydro service in evidence on Friday evening.

Mr. Acting Speaker: Order, please.

Mr. Mancini: Mr. Speaker, I'd like to address myself to the 30.3 per cent increase that this Tory government wants to put on to the people of Ontario for the year of 1977. You can address yourself to that in Lambton, Lorne.

I'd like to say that for the people living in my riding, for myself and probably for the people of Ontario in general, it probably seems almost impossible for them to comprehend why a public utility such as Ontario Hydro would ask the consumer to pay this type of rate. I think this government has abrogated its responsibility knowing full well at this period in time that the AIB in Ottawa has rolled back many hundreds of working people's pay cheques. I think it's very irresponsible for this government to even try to comprehend this type of increase at this particular point in time.

[4:30]

I find it almost impossible to believe that the Minister of Energy who is supposed to be looking after the well-being of the consumers of Ontario Hydro would so readily accept—and he sent out a letter to myself and probably to all members of the Legislature, saying how he accepts this proposal and how he accepts this increase; and I assume, by his signature, it's endorsed by him.

I find it almost impossible to believe how this type of increase can be accepted by the minister without him even bringing Ontario Hydro on the carpet in front of the people of the province so they can once again have faith and confidence in their government. I don't think we're going to get that kind of action from this government,

and I doubt very much that the people of this province will once again have the faith and confidence that they had in governments previous to this.

The only logical thing for this government to do is to postpone this terrible increase that they want to put on to the people of Ontario and spread it out over a period of four or five years, because they know as well as we do that the people of this province just cannot afford this type of increase. And the people who use hydro and are wasteful are the ones who should pay—not the ordinary working people who are on restricted incomes at this present time.

Mr. Speaker, I'd like to give my other colleagues a chance to speak and I will sit down now.

Mr. B. Newman: Mr. Speaker, many of the arguments I could have made have been already made by the previous speakers. However, I do want to have it on the record that I strongly object to a proposed increase of such substantial size. It's nice that this week happens to be Energy Conservation Week and perhaps it's fitting that the debate is taking place at this time. I could bring to the attention of the minister many of the conservation methods that are being adopted and practised in the United States in an attempt to conserve energy, and maybe I'll do that if I have a little bit of time after I get into my comments.

A 30 per cent jump in one fell swoop is much too great for the period 1977. In my estimation it is completely unacceptable; the burden itself would fall much too heavily on those who can least afford it. I would strongly suggest to the minister, if Hydro and the minister do intend to go through with substantial increases, that these increases be phased over a period of time. In addition, there be some type of a supplement or subsidy for those who are on fixed incomes, those who may be in receipt of benefits from the Ministry of Community and Social Services. Likewise, it should be made to those who may have low incomes, but not necessarily fixed incomes, because not everyone in our society today is making maximum wages or the kind of wages you find in some of the more affluent auto industries. I would include individuals who are in receipt of GAINS as well as those who receive some portion of the guaranteed income supplement. Those individuals have to be taken into consideration. We do now provide rent supplements for some people in our society, and I think there

should be something similar to that as an energy cost supplement to individuals.

The 30 per cent increase in wholesale rates will actually mean in my own community a jump of approximately 27 per cent, and that is extremely substantial when wage increases to some of the people were no higher than eight, nine and 10 per cent. Naturally, some may have received more earlier, but the average was approximately that.

A 35 per cent maximum increase would hit residential consumers in my own community. It's such that if they used over 3,000 kilowatt-hours per month, their monthly bill would increase from \$51.75 to \$69.70. That is an extremely high increase, and perhaps a little too much for one to absorb. Even for the individual using the average amount of electricity during the course of a month, 600 kilowatt-hours, his monthly bill would go from \$13.35 to \$16.90. With today's high cost of living that is almost too much to bear.

I would like to bring to the minister's attention a question that was asked of readers in the Detroit Free Press just within the last two days. The question reads:

In an effort to encourage customers to use electricity when demand is lowest, Detroit Edison is experimenting with customers, charging less for electricity they use between the hours of 9 p.m. and 9 a.m. Would you be willing to do household chores at odd hours to save on your electric bill?

Sixty-five per cent of the people replying said they would. So you can see even by using that scheme for energy conservation it is acceptable to a substantial majority. Only 35 per cent refused to accept that type of suggestion.

I would also suggest to the minister that he look into, or have his officials look into, the use of a new electric light bulb that has been in development in the United States and is now out, and that is the Hollister bulb which uses one-third less energy. Think of the hundreds of thousands of kilowatt-hours that could be saved simply by implementing the use of that type of electric light bulb.

It is being marketed; it is used on an experimental basis in the United States. I would suggest to the minister that his officials also follow up on an experiment with that type of a light bulb. It is expensive but if it's going to save energy during a period of our time when energy is in such short supply that suggestion is certainly worthwhile.

Because of the restraints on time I will have to complete my remarks so that the

member for Brant-Oxford-Norfolk can follow up with other comments.

Mr. Nixon: I know we are in a time constraint with the private member's hour beginning in just 22 minutes and I do want to hear from the minister. Just briefly I will indicate my views in this connection because it certainly is an important matter, indeed, that the Ontario Energy Board is recommending an increase in our bulk rates of 30.3 per cent.

They have heard submissions from Hydro and a number of interested and involved organizations, as well as individuals. It is not entirely clear what the responsibility of the minister is in this connection but we must presume that the minister, after this debate and after consulting with his colleagues in the cabinet, will either give an approval for that rate increase to be effective as of January 1 or perhaps will do something else. We must presume that at least this debate is predicated upon the possibility, if not the probability, of the government giving instructions to Ontario Hydro to change their methods of financing even in the short term so that we will not have to pay an additional 30.3 per cent average on the bulk rate.

The proposal for smoothing the rate over a period of three years is an extremely interesting one; in my view a valuable one. It appears, however, to have been dismissed by the member for Scarborough Centre (Mr. Drea) who usually, more or less, follows the government line. He normally figures out what the government wants said ahead of time and then says it in as strong a way as possible. So I have a feeling that the minister when he does speak is going to be saying about smoothing very much what the member for Scarborough Centre said. In other words, "It is a good idea but it won't work now" without any good and sufficient reason for why it won't work now.

The reason that is given is that it may put our credit rating in New York, the credit rating of the province of Ontario in a somewhat more parlous state than it is now. Of course, we don't want that to happen. There are tremendous pressures on the credit rating of the province and while it has been maintained at a surprisingly high level we are all aware of the tremendous pressures on interest payments and for the debt requirements of the province at a number of levels.

But I do feel that a matter of policy that has been accepted by the government, and strenuously and enthusiastically accepted, has been support for the concepts of the

anti-inflation legislation federally. Now, it has been pointed out by the member for York South (Mr. MacDonald)—and it is true; we all know it—that the government has without reservation accepted the recommendations and the principle of the Anti-Inflation Board and that legislation.

Certainly this was one of the reasons why the Treasurer (Mr. McKeough), in his comments on the increases a year ago more or less just indicated that the government policy was such that Ontario Hydro would draw in its horns on the proposed rate increase then and finance it in any way it saw fit. It is amazing when pressure is brought upon Hydro how they do respond, particularly to the statements of government policy.

These debates, boring perhaps as they may be to some people, are in a sense historic, in that Hydro has become, as the hon. member for Carleton East (Ms. Gigantes) said, one of the largest corporations in the world and certainly the largest in Canada with tremendous powers independent of government. The first occasion when I recall the government influencing Hydro's decision was when the former Premier, John Robarts, indicated that he thought the new headquarters building was premature, back about 1960. He didn't pass a resolution of the House or an enactment of any kind but the Premier's opinion was sufficient that the then chairman, George Gathercole, certainly withdrew the plan and we didn't hear of it again, until the premiership changed.

Now you say, "There's Nixon going on his old hobby horse again," yet I draw to your attention, Mr. Speaker, that while we are now in the new Hydro headquarters, the old headquarters is still sitting there right beside it, empty as a Hallowe'en haunted house, not in use, not rented, while we can look at the glittering magic of the new building as the epitome of the philosophy of Ontario Hydro over so many years.

We are here now to change that philosophy dramatically. Hydro is no longer in the hands of the engineers. It is very much in the hands of those people representing the needs of the province of Ontario—certainly the need is to keep the lights on and the wheels turning, but also to put a new meaning on that phrase "power at cost." I think the understanding by Hydro boards in the past on what hydro at cost gave them as their responsibility has been seriously in error. I believe that Hydro has evolved in a state of mind which has been wasteful, uneconomic and in fact, because of the engineers' control of the main

policy decisions, completely divorced from the broader needs of this province.

I would simply say that the proposition put originally by the member for York South and reflected in comments on all sides, including the member for St. Andrew-St. Patrick (Mr. Grossman), is that the real justification for government action in reducing the proposed increase on January 1, must be based on the Anti-Inflation Board and the concepts of anti-inflation to which this province has given its support for so long.

One of the best briefs presented to the Ontario Energy Board hearings was that put forward on behalf of the Ontario Municipal Electrical Association, which I perused with great care. Mr. Speaker, you are aware I'm sure, being interested in these matters, that OMEA has itself felt it owned Hydro, and it has a strong case to put forward that that is so.

The hon. member for Grey (Mr. McKesock) indicated that it was Adam Beck who brought the OMEA together in this new and, for the time, a very progressive if not socialistic concept of Ontario Hydro. But the ownership of Hydro, and it can be argued anywhere, is really in the hands of OMEA. Their approach, and it's a very effective one, is the government should not approve of a 30.3 increase, but the increase allowable should be predicated on the Anti-Inflation Board guidelines.

This does not mean a 12 per cent increase. I believe the hon. member for St. Andrew-St. Patrick was saying somebody was talking about a 12 per cent increase. I believe that would be unrealistic. But the careful computation of the recommendations from OMEA, that is based on the federal anti-inflation directions, would mean that an increase of about 28 per cent—and, my God, that is a huge increase—would be in line with the pass-through of costs associated with the basic principles of the Anti-Inflation Board.

The minister, in his recommendations to cabinet, might very well mitigate the tremendous impact of an increase of over 30 per cent to some small degree at least by approving, or at least recommending an increase somewhat less but which could be justified on the basis of the pass-through of the costs.

[4:45]

The member for Scarborough Centre was talking about the federal government permitting huge increases in the cost of other energy materials which relate to hydro. For-

tunately we make most of our electrical energy from hydro sources, from coal, from gas and from uranium. Oil as yet is not a major part of our pass-through costs and, if it were included in the calculations, it would not have a major impact. As a matter of fact, the famous oil burning facility in eastern Ontario is a considerable distance as yet from going on stream. We are associating the need for bunker oil, I am told—

Hon. Mr. Timbrell: It went on stream a year ago.

Mr. Nixon: No, but it is not producing much energy. It is the same with Nanticoke, for heaven's sake. I was down there this summer. Nanticoke is one of the largest generating plants in the world. We were there on a day when there were no problems with shutdowns having to do with the machinery itself, but we were told by the manager that only one unit was operating. We are still paying the interest on that huge edifice there. Really it is based on Hydro's decision, taken by its engineers over these many years, that for some reason we have to have a 40 per cent gap over our peak load. Surely in the past this has been basically an erroneous decision that we have committed the resources of this province and the credit of this province to building some of the best hydro-generating plants in the world which for many hours of many days in the year sit completely motionless and not in use.

I believe that very serious mistakes, based on an erroneous approach to what this province needs, have been made by Ontario Hydro. I personally am not satisfied with the leadership that Hydro is giving in this connection even yet. This is in no way directed at the chairman or any member of the board or anybody else. You can take that from me, Mr. Speaker, but I will tell you that the problems that Ontario Hydro faces now are just as important as they were 20 years ago when the problem was to harness the hydro facilities of the province and move into coal generation.

You talk about Adam Beck at one end of University Avenue. Bob Saunders has a monument at this end and in his own way, I suppose, he did as much for the development of Ontario Hydro as Adam Beck, but things have changed dramatically. The real push now has got to be not along engineering lines but on the lines of managing one of the world's largest corporations with a new mental attitude toward the use of public resources. We have got to get away from the grandiose approach to expenditure that

has been so much a part of Ontario Hydro.

I have been told by the hon. member for Huron-Bruce (Mr. Gaunt), whose riding encompasses that huge atomic facility up in the Bruce Peninsula, that as a farmer and as a conservationist himself, he is appalled when the bulldozers go into these cedar forests and push all the logs together and burn them. To hell with any kind of conservation, we are building an atomic hydro plant and certainly no procedure is going to stand in the way of that. No time lag for the saving of the logs and that sort of thing is going to be countenanced.

We have seen the approach that has allowed Hydro to move into the building across the street, which I think is just a ridiculous waste of public funds. The justification is, well, what's \$40 million when we are spending billions every year? The attitude has got to be changed, even in conservation.

It was pointed out by one of the speakers a few moments ago that a year ago the minister was saying conservation doesn't mean anything in this province, that we don't need it, and that we will leave the lights on because we have got lots of electricity. Believe me, that's so. We have got lots of electricity. We are overproducing and can overproduce a tremendous percentage beyond what we require even at peak load, but now we are getting into conservation as just another glittering piece of the harness of the white horse that the Minister for Energy is riding in his great political career.

I don't think it's meaningful. I don't believe politicians ought to be in the conservation business. It should surely be supported by politicians but be on a more professional base than that which we are getting from the public relations officer of the minister and his little green pin saying, "I support Erg, do you?" Erg is a very small unit of work, not energy, and I submit that that's just another instance of money down the drain. The minister and his executive assistant are the only ones supporting the programme that says he's a little Erg. Everybody else has forgotten it. That was last week. It is typical of the wasted money and the wasted approach.

We believe permission should not be granted by the council of this province, the Lieutenant Governor in Council, for an increase of the magnitude that has been approved by the Ontario Energy Board. It should be reduced along the lines of the Anti-Inflation Board guidelines which have been accepted by this province, and surely that kind of a reasonable approach would be

acceptable, even to the hard-pressed consumers.

Hon. Mr. Timbrell: I have no intention of getting into some of the verbal personal abuse that some members feel that they have to get into in this House from time to time. It is usually a coverup for the lack of policy, the lack of innovation, the lack of any ideas at all coming from that far northwest corner of the House.

Mr. Cunningham: Why don't you get off your horse? You certainly do it well when you are outside the House.

Mr. Acting Speaker: Order, please.

Hon. Mr. Timbrell: I want to just say this. I listened to you; I would appreciate it if you wouldn't interrupt for the last few minutes of this debate.

There were a number of points made during today's discussion that really relate to the report of the select committee dealing with the 1976 Hydro rates, and that deal as well with the report under preparation really by the royal commission on electric power planning. I won't presume to touch on them today, but there were some statements made, particularly by the member for—Grey-Bruce? Owen Sound? Whatever the name is—that really boggle the imagination.

First of all he accuses me, as the minister, of having an adviser on staff for \$3,000 a week. That, Mr. Speaker, is sheer and absolute fabrication.

Mr. Sargent: They paid him \$176,000 last year, which works out to about \$3,000 a week. Check with the auditor.

Hon. Mr. Timbrell: If the hon. member will go back and re-read the Hansard for the estimates committee last November—I think it was the 18th or the 19th. I don't know what kind of condition he was in, but he asked me a question about that.

Mr. Sargent: On a point of order, Mr. Speaker, will the minister please qualify what he means by that last remark? Please qualify that, sir.

Hon. Mr. Timbrell: My point is that I don't know whether the member remembers, but at that point he asked me a question about that, and I pointed out, that, yes, that particular individual had been engaged as legal counsel. I pointed out the millions of dollars that that individual had saved this province through the successful execution of an inter-

vention before the National Energy Board in the TransCanada PipeLines rate hearing case.

Mr. Sargent: What has that got to do with it?

Hon. Mr. Timbrell: The member went on to suggest that the minister is somehow under the thumb of Hydro. I want to tell you, Mr. Speaker, that I take very seriously my responsibility for The Power Corporation Act—very seriously. And the fact that there are over 24—

Mr. Sargent: You are making one hell of a mess, that is all I can say.

Hon. Mr. Timbrell: There are over 24 categories of activity that Ontario Hydro engages in, for which they must—

Mr. MacDonald: Point of order, Mr. Speaker. The minister criticized the discussion of topics that were relative to what we have before us this afternoon. I would like to ask whether he is going to deal in the remaining six minutes with what we do have before us this afternoon?

Hon. Mr. Timbrell: Mr. Speaker, I fully intend to do that. I hope the hon. member for York South will understand, but perhaps because of my own background as a history teacher, and as one who has a strong belief in Parliament, I get a little more than upset when I see the rights and privileges of Parliament abused—

Mr. Cunningham: You know nothing about energy.

Hon. Mr. Timbrell: —particularly when they are directed to myself with absolutely unsubstantiable assertions.

If I can just briefly, in the remaining five or six minutes, go over some of the history leading up to today's discussion. Back in 1973 when the Power Corporation Act and The Ontario Energy Board Act were amended there was a very conscious decision of the government that the rate-making process of Ontario Hydro had to be more public than it had ever been in its history since 1906. Prior to that, of course, the rates were set by the Ontario Hydro board. From time to time the Premier of the province and whichever minister of the day was responsible to the House for Hydro was consulted, and the rates went ahead.

It was a decision of this government that that had to be more open and more amenable to suggestions by interested citizens and groups within the province for their involve-

ment. Now last year that process started out with Hydro asking for a 29.7 per cent rate increase, not 38 per cent. In July the government ordered Hydro to cut their capital budget by at least \$1 billion, and to cut their operating, maintenance and administration budget by at least 10 per cent.

This they did. In fact, they even went further on their capital budget; they cut \$1.2 billion and as a result changed their rate request to 25 per cent.

Notwithstanding, when the Energy Board—and this was the part that was missing from the chronology as outlined by the member for York South. When the Energy Board submitted their report in early October, they found that on the basis of their judgement of the estimates of cost and of revenues, Hydro would need 26.7 per cent. The rest of your chronology was correct: Hydro said they would stick with 25 per cent, and as a result of the select committee process it came to 22 per cent, which, let's all admit, was an arbitrary figure. In fact the select committee found that the 25 per cent was well within the Anti-Inflation Board guidelines.

In 1977 in sending the rate request to the Energy Board, I specified two things in the minister's letter of reference: number one, that Hydro live within the anti-inflation programme, and, number two, of equal if not overriding importance, that there be the question of their financial integrity. If I might just quote from a portion of the select committee report which will be—for the benefit of the member for London Centre (Mr. Peterson) who has left the House—discussed in this House on, I believe, November 15. I believe that's the date that's been arranged among the House leaders. It's interesting, when you get into this question of financial integrity, to read this excerpt from the select committee report. I quote:

Financial integrity in turn will affect the amount of money the financial communities are prepared to lend to a borrower, and the interest rate associated therewith. The lower the financial integrity, generally speaking, the less capital will be available to a borrower and the higher the cost of funds. While market reaction to eroding financial integrity may be gradual in the form of slowly rising relative cost of money and so on, it may also be more dramatic in the form of a D rating. In this latter case, capital availability and cost of funds may be substantially altered overnight.

I'm not going to take issue with the official opposition in the sense that they are putting

forward an alternative. We understand that rate smoothing is an alternative—in fact I would have to argue it's one that's been used for a number of years, and perhaps has contributed to the position we're at now. As the minister responsible for Ontario Hydro and for advising the government on the policy direction we should give, I have to be concerned as much about the kind of costs we're going to saddle the people of Ontario with in 1979 as I am about 1977.

The member for Brant-Oxford-Norfolk (Mr. Nixon) suggested that we should go strictly with the Anti-Inflation Board guidelines. If he would read the material which I tabled last Thursday, including the letters from the president and chairman of Hydro, he would find that if we went that route the increase would be 30.3 per cent. That is in fact within the Anti-Inflation—

Mr. Nixon: Has the hon. minister read the submission by the Municipal Electric Association?

Hon. Mr. Timbrell: I have, Mr. Speaker, and I want to read to that hon. member from a newsletter which went out under the date of October 8, 1976, to all members of the Ontario Municipal Electric Association. I quote: "Nonetheless we support the Ontario Energy Board's opinion and conclusion with regard to the 1977 bulk power rate increase."

Mr. Nixon: Maybe Darcy is right.

Hon. Mr. Timbrell: Mr. Speaker, this is not an easy decision. It is impossible for the government, in evaluating the situation, to confine itself entirely to 1977. I want to say that I do take issue with some of the figures used by the official opposition. In the calculations it put out last Tuesday, it used a base year figure of \$1.5 billion as revenue. If the members would look at the Ontario Hydro submission to the Energy Board they'll find that in fact—and this is on table 5(c)6 of the submission—the base year figure should have been \$1.305 billion, not \$1.5 billion.

Then the official opposition went on to calculate it on the basis of 20 per cent a year, cumulative, without any allowance for growth in demand for electricity. One of the members made the statement that in fact the revenues are down and sales are down. They're not, they're not.

I suggest that the members go back and look at some of the basic figures. I'm not challenging the position they're taking. It's a reasonable alternative, but one which the government, in evaluating, has to very care-

fully weigh against the long-term disbenefit, if there is such a word, to the consumers in terms of the much higher cost with which we will be saddled.

Mr. Acting Speaker: This order of business is now discharged from the order paper.

[5:00]

POWER CORPORATION AMENDMENT ACT

Mr. Sargent: Mr. Speaker, we are talking in a—

Mr. Acting Speaker: Order, please. Will the hon. member first move second reading of the bill?

Mr. Sargent: I'm sorry. This is an unusual experience for me. I don't know how to go about this because there's not much chance of it being passed anyway.

Interjections.

Mr. Sargent: This is Bill 91, An Act to amend the Power Corporation Act, first reading.

Mr. Acting Speaker: Will the hon. member move second reading?

Mr. Sargent: Will I move second reading?

Mr. Sargent moved second reading of Bill 91, An Act to amend the Power Corporation Act.

Mr. Sargent: As I said before, this whole debate reminds me of the story of a bear going into a bar. He sat down and ordered a beer. The waiter brought him the drink and went back and saw the boss. He said: "Funny thing, I've got a bear here in the bar and he gave me a five dollar bill for a beer. What'll I charge him?"

The owner said: "Oh, give him five cents change. He won't know the difference."

A minute later the waiter went around and sat down beside the bear and said: "It isn't very often we get a bear in here to have a beer."

The bear said: "No damn wonder at \$4.95 a bottle."

It's no damn wonder the people of Ontario are fed up with this rate increase which is going to cost in the neighbourhood of \$500 million this year. I think back when the member for Brant-Oxford-Norfolk (Mr. Nixon) mentioned Sir Adam Beck and Bob Saunders. I was the mayor of Owen Sound

at the time when we were engaged in the conversion from 25 to 60 cycle. Going around the province was Bob Saunders, the great Conservative that he was, and the slogan became, "Hydro is yours. Don't use it," because of conservation. Today I think the whole summation of this is, "Hydro is yours but you can't afford to use it."

Across the province of Ontario, an area so big that we could put five states the size of Texas within our borders, we have eight million people with about two million families and at least one million of these families are having a tough time today. Hundreds of thousands of people are senior citizens on fixed incomes. All of these people are subsidizing—hear this—commerce and industry by paying higher rates for electricity. They've been doing it since Adam Beck gave Hydro this beginning of Hydro belonging to the people.

The man who made Ontario Hydro into Canada's most successful experiment in socialism, Adam Beck, promised cheap electric power. He said in 1910: "We must deliver power to such an extent that the poorest working man will have electric lights in his home." Hydro met that challenge magnificently. Its low rates and efficiency have been the envy of the whole world. But shortly before he died in 1925, Adam Beck took aside one of his employees and said confidentially: "Now remember what I'm telling you. They have no cause to raise Hydro rates. Watch what they do after I'm gone."

Everyone's been watching with varying degrees of horror and dismay. In recent weeks, Hydro, now with a budget of one-third the size of this whole province, the largest of its kind in the whole world, rolls ahead with plans for a seven per cent annual growth in power supply and a 38 per cent increase in reserve capacity next year. In this great power system owned by the people of Ontario, no one has the right to say that the rich and powerful should control the rates, which they do. Whether or not they do this, the fact remains that up until this day the residential home owner, the apartment dweller and farm home owners have been subsidizing industry and business. This bill, called "lifeline," proposes to do something about it. The bill is an Act to amend the public service law in relation to the minimum public basic user charges for residential electrical consumers.

This bill amends The Power Corporation Act by adding thereto a new section. The new section requires that the commission promulgate a list of essential energy-con-

suming activities, indicating the minimum energy needs for a family of four. This list would then be circulated to every municipality, and they will then determine the minimum usage sufficient to fulfil the electrical energy needs. Every municipality shall redesign its residential rates in structuring to create a residential block rate at a rate equal to no more than the rate in effect on January 1, 1975, and the costs are to be recovered by recovering the lost revenues in succeeding residential blocks and in commercial industrial classes of consumers. Electrical space-heating customers, municipal customers, commercial apartment buildings, and non-profit institutions are exempt from the provisions of this Act.

In a letter dated October 19, we are told by Mr. Taylor, the head of Hydro, that Hydro rates will be up by 30.3 per cent, which will cost a residential customer using 750 kilowatt-hours in a month an increase of \$3.43 or about \$50 per year. The price of electricity is rising so dramatically that it now threatens to price itself beyond the ability of many people to afford it.

The present pricing policies in Ontario still encourage people to waste power. Here's an example: Sports caster Johnny Esaw has a large Thornhill home containing four television sets (three in colour), a dishwasher, two stereos, a heated pool, a washer, a dryer, power tools, total air-conditioning and about a dozen outside lights switched on automatically at dusk.

Mr. Grossman: What have you got? Have you got more or less?

Mr. Sargent: Hear this; this is interesting. When he checked his Hydro bill this week, he was amazed that it was only \$32. The reason is that Hydro rates are geared to give the big users a better deal. In the city of Toronto the first 50 kilowatt-hours used monthly are 5.3 cents each, the next 200 are billed at 2.3 cents and above that is 1.6 cents. So the old age pensioner, who does little but boil a kettle and make a little toast, is actually subsidizing people in air-conditioned mansions.

Mr. Eaton: Turn off all those lights and sound systems in your night club.

Mr. Sargent: Fellows, this is like motherhood; you can't be against it. If you go into your riding and say you're against this, you're dead in the next election.

Mr. Kerrio: They're dead anyway.

Mr. Sargent: It's in Hansard that the member for St. Andrew-St. Patrick and the member for Middlesex are against this.

Mr. Speaker: Order, please. Will the hon. member keep to the bill?

Mr. Sargent: Thank you.

Mr. Kerrio: It's three to one, Mr. Speaker. Look at them all in a row.

Mr. Sargent: You know, Mr. Speaker, I'd like to ask you a question, if I may, while you're in the chair. I have this bit of a brochure. I spent all weekend having it made up to get it done in time for the House opening.

Mr. Drea: Who paid for it?

Mr. Grossman: You copied that from a magazine.

Mr. Sargent: I took it into the Speaker to have it distributed to the desks. The Speaker checked with someone on the phone and said, "No, you can't do that." I would like to know, who did you speak to who told you that I couldn't do this? Who was it? Who is the man that presses the button that says I can't do this?

Mr. Ferris: Bill Davis.

Mr. Sargent: Well, you tell Bill Davis that they're going to get it anyway.

Mr. Grossman: You copied that; it's like a recipe.

Mr. Sargent: This "lifeline" proposal—

Mr. Grossman: You could use one.

Mr. Sargent: —of rate reform will provide relief to low users of electricity.

Mr. Drea: You're kidding.

Mr. Sargent: That's right.

Mr. Drea: Then you haven't read your bill.

Mr. Sargent: In the low users of electricity category are the poor. Their electrical usage is significantly lower than the use of higher-income groups—

Mr. Grossman: It's going to cost you money.

Mr. Sargent: —but studies reveal that 5.2 per cent of their income goes for electricity as against one per cent of the income of well-off users.

Mr. Hodgson: How do you classify well-off users?

Mr. Sargent: Well, I'd say you do pretty well there, Bill, I don't know. Another group that has low energy use—

Interjections.

Mr. Sargent: There is not a member on that side of the House who hasn't got another job on top of his salary.

Interjections.

Mr. Sargent: I mean, don't you talk to us about being well off. We work for our living here.

Interjections.

Mr. Sargent: The point I am trying to make to you affluent people—

Mr. Kerrio: That's fair odds, three to one. You are doing well.

Mr. Sargent: Another group that has low energy use and would benefit from this is the elderly people and people on mother's allowance—they are a part of the larger group that is generally a low user of electricity—and the apartment dwellers. Due to their small living quarters and generally small family size, this group would benefit from "lifeline."

So, in effect, the rate structures would actually reward, not penalize low users. We are reversing the process. Do you understand?

Mr. Grossman: We understand, yes.

Mr. Sargent: The current system is now the more you use, the less it costs you. We are going to reverse that. And we are going to reverse it, whether the government likes it or not.

Mr. Grossman: Do you use an electric razor?

Mr. Sargent: The result is now the large users who impose the greatest cost on the system. However, Hydro is selling these expensive kilowatts at low declining block rates, thus commerce and industry have been receiving a subsidy at the expense of the low residential customer.

Mr. Drea: Have you thought of distributing back yours with free drinks?

Mr. Sargent: There is an urgent need to reconsider our patterns of growth and consumption. It is no longer reasonable to expect a utility rate structure to charge a small, low-income group four cents per kilowatt-hour

and a large, affluent user three cents per kilowatt and an industrial user two cents per kilowatt. A "lifeline" rate will restructure this and redress this situation.

The necessity is that electricity is an essential component part of all modern life today. We rely on electricity to run countless appliances, machines and instruments. There are no substitutes for electricity and therefore it is absolutely essential for a healthy and minimally decent standard of living.

This rate relief we are going to come up with, "lifeline," will provide a rate relief to all low and moderate users of electricity, as well as the poor and the elderly. And "lifeline" rates would provide relief to middle as well as low income people. In this inequity the poor spend proportionately more of their income on electricity than any other income group. However, the rates now are set up so that the average cost per kilowatt hour is higher for low use than for high use and "lifeline" ends this inequity by causing large users to bear their fair share of the cost of generating and distributing electricity.

In the conservation area what we are all concerned about by increasing the incremental and absolute charges for high and increasing use, "lifeline" acts to discourage wasteful use and encourage energy conservation. "Lifeline" rewards low use and penalizes high, luxury use.

So in closing I want to say this. As elected representatives of the people of Ontario, of eight million people, it is the duty of all of us in this Legislature—it shouldn't be in a private member's bill, it should be a bill that everyone supports.

In the democratic process a private member might have a good idea once in a while. They do have it in the States but anytime it happens here it never gets to a vote.

Mr. Kerrio: They'll support this.

Mr. Sargent: So it's the duty of this Legislature to establish policy for these regulatory agencies. "Lifeline" is a broad pricing issue on which the Legislature is empowered to provide proper guidelines in order to achieve more responsive and responsible rate-making policies.

[5:15]

Today those of us are petty-fogging alarmists who are against the \$30-billion or \$35-billion programme of this nuclear adventure of the Premier—

Mr. Drea: You are against nuclear power.

Mr. Sargent: —when in our ignorance we tell you there is no hurry about providing power for the next generation—

Mr. Drea: You are not against Bruce.

Mr. Sargent: —when hundreds of thousands of our new citizens can never hope to have a home, when we have closing of hospitals, when our graduates can't get jobs, when the government of Ontario seizes Indian lands and doesn't pay for them, when thousands are hunting for work, when thousands every day are waiting for hospital beds, when our courts are clogged and people wait two and three years for justice, how tiresome these contentions are, how small-minded, selfish and sentimental, how lacking in vision and idealism.

To those of us who grumble about voyages to the moon and annual expenditures of billions of dollars more on weapons and rockets, I invoke the inspiring words of an ancient Egyptian who reproached a fellow slave for complaining about the chains and beatings and the huge stones that had to be dragged across the desert to build Pharaoh's pyramid. He said: "How tiresome you are to whine and complain. It's an honour to be associated with an enterprise of such magnitude."

Mr. Drea: You are against it?

Mr. Sargent: Yes, I am opposed to nuclear power. I certainly am.

Mr. Drea: Boy, they will love that down in Bruce.

Mr. Sargent: You are shooting craps with destiny when you go into nuclear power programmes which will never in our lifetime handle any more than 10 or 15 per cent of our total power load.

Mr. Drea: Boy, they are going to love you for the unemployment.

Mr. Speaker: Order, please.

Mr. Sargent: This bill is timely. It's legislation for the times.

Mr. Eaton: What is your rate structure?

Mr. Drea: It is the truth.

Mr. Speaker: Order, please.

Mr. Eakins: Listen to a good speaker.

Mr. Sargent: I'd like to see once in a while in this forum, which is the greatest province in the whole world, that we could have the

democratic process work and good legislation from this side of the House should get the assessment of the whole House and not be playing politics with the lives of Ontario people.

Mr. Hodgson: Ontario from our side of the House.

Mr. Drea: First of all I'd like to compliment the previous speaker. Never before probably has anybody brought in a bill of which they have never understood the implications, like the one today. Just let me give you a few little examples about the populist reform from Owen Sound.

Mr. Eakins: With some authority.

Mr. Drea: It is probably the greatest piece of humanitarianism since Marie Antoinette went to the guillotine talking about cake.

Under this bill the member wants to give relief to the poor. Well what happens to the poor who happen to have more than four kids? What happens to the low-income family where there are six or seven children and they want to give them a bath?

Mr. Sargent: It is on kilowatt-hours.

Mr. Drea: Then he is going to impose a rather Draconian test in the first place. If Hydro can't figure it out, the municipality will. Then there are the little clauses in there that spell out means tests. We're going to talk about the woman who is on family benefits who lives, if I can recall the quotations correctly, in rather small quarters and tends to have a rather small family and who will benefit. She won't benefit as much as the fellow who has five cottages, because under this system those five cottages would pay so little in terms of electrical cost because the usage would be extremely low. This has to be the first bill that would ever take food, money indeed the Hydro bill out of the hands of the destitute widow and hand it to somebody who can have two, three or four cottages. Perhaps that is a bit of an oversimplification.

Mr. Riddell: It is.

Mr. Ferris: You said it before.

Mr. Drea: Let's just put it into perspective.

Mr. Kerrio: You are pushing electric heat in Sudbury.

Mr. Drea: You know, that's the first speech you have ever made in the House.

Mr. Kerrio: That is one more than yours.

Mr. Drea: This bill, however well-intentioned—and I rather suspect, knowing the member for Grey-Bruce, that he commissioned someone to do it—I rather suspect that he should have commissioned somebody who knew a little more about electrical power—

Mr. Sargent: Mr. Speaker, on a point of order.

Mr. Speaker: On a point of order.

Mr. Sargent: The member is away off track. This legislation is now in force in California and Vermont and I have been in touch with legislators in those areas and they provided me with the information they had. Our research people restructured it for me, Frank; I am not any smart guy. But I see a need for this and that's why—I will level with you, I don't know all the engineering facts but I know the guts of it, Frank, and that's why I think it's a good bill.

Mr. Speaker: Will the hon. member please refer to members by their riding rather than the names, please? Thank you very much.

The hon. member for Scarborough Centre.

Mr. Cunningham: Scarborough Frank.

Mr. Drea: For instance, let's take a look at the impact upon—let's just take someone in a vicinity that we all know. Let's take the Plaza 500, just a couple of blocks away.

Mr. Cunningham: Let's take Marvin.

Mr. Drea: They can all avoid and take advantage of virtually every provision of this bill very simply. They all live in rather modest quarters in the Plaza 500, one bedroom or two.

Mr. Cunningham: Almost as big as your office.

Mr. Drea: They tend not to do their own laundry. You send your laundry out; obviously that's not a usage of electricity. You are a real conservationist.

They tend not to eat in their own dwellings. They tend to eat in commercial establishments. I think that you could take anyone in a building like that and show that this, at least for purposes of this bill, is what the average Ontario family should try to emulate.

There is no argument that the time has come when the pricing policy in regard not only to electricity but particularly other forms of energy, natural gas, that the more you use the less you pay—there is a frequency discount; they are trying to handle things in

bulk—those days are over. This government has addressed itself in a very long and a very thorough examination of just what would happen and how it would happen, because the “how” when you change over a rate system like this does have some impact.

It is all very well, you know, to say, “Well, industry can bear the cost.” Well, it concerns me a little bit that you can really be that flippant about it particularly when you come from an area of the province that doesn’t exactly have the highest employment rates on record. If you are going to change over such an essential item and such a continuing cost item—

Mr. Sargent: Are you for this or against it? Are you for it or against it?

Mr. Drea: —as electricity, then you have to be aware of the ramifications toward employment, you have to be aware of the ramifications toward pricing and you have to be aware of the impact upon the community.

Mr. Kerrio: We have already felt that.

Mr. Eakins: With a 50 per cent increase.

Mr. Drea: A bill like this, which tries to establish in a rather simplistic manner some answers to a very complicated problem does not provide relief for those for whom it is intended to provide relief. As a matter of fact, it does just the opposite. It provides much more of a relief for those it is trying to punish than for those it is trying to reward in trying to find some equity in the present circumstances surrounding the very high costs of energy.

I may say that it is really not quite the desperate problem as outlined by the mover of this bill. As a matter of fact electric bills in this province are substantially less than those in other jurisdictions, particularly in the United States—

Mr. di Santo: Wait until next year—30 per cent increase next year.

Mr. Drea: —including the increase. I would be very glad. I can read you off including the increase, but I don’t want to take up any more of the time. There is no question that this is done in two states in the United States—

Mr. Riddell: Pretty good cartoon, eh, Marvin?

Mr. Drea: What is your problem? Are you auctioneering again or what do you do? You just chew your cud there, or what do you do? If you have something to say, say it.

Mr. Riddell: Carry on.

Mr. Drea: One of the difficulties in this is that the two situations in the United States—one in California and one in New England—

Mr. Sargent: Vermont.

Mr. Drea: I have it Maine, but I am prepared to accept Vermont.

Mr. Sargent: Maine is going to.

Mr. Drea: Maine too? All right, then you have three. The circumstances in those states are somewhat different. As a matter of fact the one in California is not a permanent piece of legislation. It is a temporary piece of legislation, where there are certain rates held down on this basis until the overall rates have achieved a certain percentage.

Mr. Speaker, the energy situation in this province is now so challenging and so complex the solution is not just in terms of electrical consumption, but in the consumption of natural gas and other fuels. In terms of our standard of living, in terms of our employment, in terms of our position in world trade, in terms of our future, whatever changes are made to meet these things have to be done with delicacy, with foresight, with enormous plans, and with a great deal of flexibility. In every one of these criteria, this bill is not only wanting, it has totally ignored those situations. I don’t want to seem to be too hard upon the particular mover of this bill because I know that he has moved this from very sincere and very honourable motives.

Mr. Speaker: The member has 30 seconds.

Mr. Drea: I am sure he wants to do something for these people. But I would suggest, Mr. Speaker, in closing that he might better direct himself to some more practical and more reasonable and more equitable solutions rather than this type of simplistic scatter-gun approach.

Ms. Gigantes: Mr. Speaker, I think that I probably reflect some ambivalence in my caucus toward this bill. While we appreciate very much the intent of the bill I think there are a number of questions that I for one would like to raise about it. It is interesting to note that when the member for Grey-Bruce talks about how large Ontario is, and how he can put five states the size of Texas into Ontario, he is suggesting a plan which was taken, obviously directly, from an American plan.

For example he has provided us with a brochure which still has not received your permission to be distributed I understand. But the brochure, which is no more clear to me than the bill, in one questions says: "Would 'lifeline' force industry to leave the state and consequently mean a loss of jobs?"

Obviously this idea—in fact the whole leaflet—is a direct transfer from an American leaflet. I think that one of the things he should bear in mind, therefore, is that Ontario is precisely the size of five American states. To lay a plan like this on a province the size of Ontario with the different kinds of needs for electrical energy that we find in different areas of Ontario, may not be at all what he would like once he thinks about it.

There is no doubt in our minds that the rate structure of Ontario Hydro needs reform; it needs drastic reform. It has been working backwards in terms of getting conservation benefits for us. It has been encouraging use, and it comes from the period of time when Ontario Hydro looked to create added demands for electrical energy in this province. It is also the intent of this bill, obviously, to provide some protection for low and middle income people faced with soaring energy costs, particularly electrical energy costs, in the province of Ontario. These two elements of the bill are elements that we very strongly support.

[5:30]

I would suggest to the member for Grey-Bruce, though, that he take a look at the document which we've just recently received from Ontario Hydro called the Electricity Costing and Pricing Study, Volume One. On page 24 of that document he will find a summary of various patterns of restructuring rates for Hydro which would attempt to achieve somewhat the same objectives as his bill.

There is a critique given of each of these patterns: No. 1 is called "lifeline" and there is an examination of the benefits and the costs of that structure. No. 2 is the energy stamps or voucher system of providing a basic amount of electricity at a reasonable cost for low and middle income people. And No. 3 is an energy tax credit. It gives a very brief description of how an energy tax credit system would run, and then points out that this system, of all the systems suggested, is the one which would most efficiently meet the very objectives that he seems to be after in this bill.

In other words, it would most effectively protect the low- and middle-income people in this province who need basic amounts of electrical energy at a minimum cost. It would provide an income transfer as an income transfer, and instead of providing the same amount of energy for everybody it would reimburse people according to need. It seems to me a very much more flexible and sophisticated method of getting at that element in the bill which he has stressed and which we believe to be very important, the protection of low- and middle-income earners facing rising energy costs.

I would hope that when all the volumes of the Electricity Costing and Pricing Study are available to us—I don't believe they're all available quite yet, but I understand we're to have access to them early this month—we will have a better chance to take a look in detail at these various proposals.

I hope that the member for Grey-Bruce won't be discouraged if we do question right now the methods he has proposed in his bill. I think there is great support here in this caucus for the principles that he would like to promote, and that we would be interested in developing the kinds of possibilities that are outlined in the Electricity Costing and Pricing Study over the next few months.

Mr. Reed: I am very encouraged by the remarks of the member for Carleton East in her interest in the spirit of the bill and the intention in which it's presented, because that is precisely what this bill is intended to do. I would like to advise her as well that we often borrow things from others, and in this case if there was borrowing from our friends south of the border I personally don't feel demeaned in any way for undertaking—

Ms. Gigantes: But this is a proposal by Eddie Sargent.

Mr. Cunningham: Where did your philosophy come from?

Mr. Reed: The fact is, though, that I'm sure the member for Carleton East will concede that one of our members has had the good sense to take this approach and study it and feel that it was important enough to present to this House. I would commend my colleague very much for taking that point of view, because we wouldn't have had it otherwise.

The conservation of energy is one of the most important concepts the government of this province can engage in at the present time, particularly when we realize that 50

per cent or more of all the energy we consume is wasted and, even more particularly, when we consider that Ontario's economic future will be largely determined by energy and its availability and how we apply it. If we in this province are to maintain and expand and continue to make vital an economic base which is largely industrial, then all reasonable approaches to conservation must be considered. In so doing, we must be careful not to turn energy into an item of such luxury that it loses its prime function which is to maintain and improve our standard of living.

There's no doubt in my mind that raising the price of all energy sources promotes conservation. It certainly does. But there is a point where a negative impact sets in, when the price begins to preclude its use by people of modest means. If this were to happen, many of the benefits of energy would be lost or overbalanced by other negative influences.

I'll give a simple example. If an elderly couple on a fixed income were not able to keep their house warm because of the high cost of heating fuel, then the attendant complications of ill health might prove to be far more costly than the availability of a moderate amount of energy.

Mr. Cunningham: John White would have to put on a sweater.

Mr. Reed: I think it's obvious there's a role for common sense to prevail, and I see the common sense prevailing in the presentation of this bill. What the bill does is confirm a position I and my colleague from London Centre (Mr. Peterson) have taken on rate structures that are progressive. As outlined in this bill, they would enhance the conservation effect but at the same time guarantee to all those who use electric power modestly a rate they can afford.

Recent cost increases in electric power are a direct reflection of recent generating expansion by Ontario Hydro and of course those plants which are under way for future expansion. They reflect the change from a predominantly hydraulic generating system to a predominantly thermal generating system and the cost of thermal production is much higher. Since a share of the increase is paying for the capital expansion commitment, it would seem only reasonable to reduce that expansion as much as possible. I am deeply concerned that the ministers of the day who were responsible for Ontario Hydro were not able to understand the true

value of this superior form of energy. If a progressive rate structure had been implemented in conjunction with the implementation of thermal generation, I am convinced that massive expansion under way today would not be necessary in the first place.

A regressive system, that is, a system where one pays a higher price for the initial purchase and a lower price for volumes purchased thereafter, is reasonable and justifiable economically at least in the purely hydraulic system simply on the premise that the water runs down the river anyway whether it's used or not. However, there are even weaknesses in that argument since using those terms of reference means no consideration is being given to holding anything in reserve for the future, and that is one of the reasons why we're in the situation we're in today.

The encouragement of waste in this manner cannot be justified with any argument. Waste does not improve our standard of living. Waste does not enhance our industrial potential. Waste makes us less competitive through higher than necessary costs per unit of production. This bill will go one step further in eliminating waste. This can prove to be a good vehicle for giving us a true understanding of the real value of electricity. It will not only not harm our standard of living but will improve it, especially for those who are determined to be modest users.

I would appeal to the government to give the pensioner, the newly married couple, the person on fixed income and anyone else who truly desires to use this precious high-grade resource wisely the kind of encouragement we all need. I urge the government to adopt this bill.

Mr. Grossman: Mr. Speaker—

Mr. Reed: Support it.

Mr. Grossman: Not quite. I want to rise to address myself to—

Mr. Reed: You will never make it.

Mr. Grossman: I want to address myself to this bill presented by the member for Grey-Bruce. I won't use his first name. We've been forbidden from doing that. But I can see a compromise. I'll call him Grey and he can call my colleague Scarborough, if he'll call me Saint. That would be a perfect resolution to it.

Mr. Cunningham: Did you write that?

Mr. Grossman: You may be right. I might say that I got the brochure, and if you have

any copyright problems having stolen it from wherever it came, Eddie—Grey—give me a call and we'll sort it out for you. But I would have put my picture on the front—that's the difference—not a spare tire.

Mr. Eakins: Not that!

Mr. Grossman: You bet. I applaud the member. He's obviously putting aside his own very personal interests as the bill by his own description would penalize him personally in view of where he sits in the economic ladder. So I compliment him on his courage and his unselfishness in that regard. He's personally willing to bear the burden for a good portion of the public. I'm the other portion. I would benefit from it.

Mr. Kerrio: Are you?

Mr. Cunningham: I see those lawyer's bills.

Mr. Good: Certainly you are in the dark most of the time.

Mr. Cunningham: We will have a tag day for you.

Mr. Grossman: The sentiments of the member for Grey-Bruce have of course already been met and dealt with by the already referred to report tabled last Friday. The whole matter of the cost of energy of all forms has recently shown some dramatic increases. All members of the Legislature are concerned, as is the member for Grey-Bruce, that the citizens of this province will be able to pay for this most essential commodity. I suppose it was with this in mind that we got into our select committee on Hydro and that the cost and pricing study emanated out of Ontario Hydro. That study is of course a complete re-examination of the pricing system for electrical energy. It was tabled last Friday.

Mr. Sargent: The bill is dated June 3.

Mr. Grossman: I don't think this is like the education situation—they weren't anticipating your bill. But we know now that this study is one of those that has made some extensive and important proposals regarding the future pricing of electrical energy.

But the important part of the study is that it advocates the pricing of electrical energy on a basis of the cost to produce the energy—

Mr. Sargent: On a point of order, Mr. Speaker.

Mr. Speaker: Point of order.

Mr. Sargent: I suggest to the hon. member that the bill was dated June 3 and he had a chance to study it and that's why they came up with their report on Friday. The same as what happened in their education bill when Wells—

Mr. Speaker: Thank you. The hon. member.

Mr. Grossman: I don't know how many cabinet meetings were spent worrying about your private member's bill—

Mr. Cunningham: Not enough.

Mr. Grossman: —but the report that came down on Friday emanated of course from Task Force Hydro in 1974 and is a result of two years of study. I don't think it was slapped together on Friday in preparation for Bill 91.

Mr. Cunningham: Are you in the cabinet?

Mr. Grossman: In any event if the proposals of the costing and pricing study are accepted there would be a reduction in cost up to 30 per cent for those who are users only of small amounts of electrical energy. Thirty per cent. And such groups as senior citizens who are using approximately 250 to 500 kilowatt-hours per month would be the ones directly affected and benefited from the recommendations of this study.

Mr. Cunningham: Would you be offended if we said we didn't believe you?

Mr. Grossman: Mr. Speaker, it is important to note that the proposals, if accepted, would accomplish this reduction without introducing the complications and inconsistencies which I believe to be inherent in Bill 91. The bill proposes that there be regulations establishing classes of residential premises, as well as regulations defining minimum essential energy needs. These two requirements would bring upon us the usual and expected bureaucratic operations, accompanied by an army of people needed to interpret the various types of residential premises, and the amount defined as "minimum essential energy needs for each premise."

Mr. Sargent: Just got to change the rate, Larry.

Mr. Grossman: That's what the study's going to do in a more reasoned fashion. There are no easy answers to the question.

Mr. Sargent: When—in 1979?

[5:45]

Mr. Grossman: Obviously a person with electrical energy in their residence has a higher minimum energy need than one with oil heating. A family of six has a higher minimum energy need than a family with one child or no children. In some areas of the province temperatures are colder than others, and the minimum energy need is higher in northern Ontario than in Toronto, so I hear. Of course, the minimum energy need changes depending on the time of year and the circumstances of an individual family. Families with young children have a much higher minimum energy need than families with older children who may be away in school.

Mr. Sargent: If you introduce an amendment, I will support it.

Mr. Grossman: I believe that there may be a fundamental error in the premise of the bill, which appears to be that small homes need or use less energy and that low-income groups always live in smaller homes and always use less energy. It's not that simple.

I agree with the intent of the bill, as I said earlier, but I cannot accept the measures recommended to bring about this objective. I point out to the member for Grey-Bruce that, as proposed, the bill could be providing a bonus for those persons who live in apartments and, as my friend, the member for Scarborough Centre, has said, those persons who send their laundry out and do most of their eating in restaurants. They indeed have a minimum energy need, but I wonder if it is really the intention of the member for Grey-Bruce to give those persons a bargain in their electrical energy rates.

In conclusion, I would suggest to the House that the solution to the problem outlined in this bill is contained in the Ontario Hydro costing and pricing study introduced last Friday, which we will all have a chance to review and comment on in the early months of 1977, I trust. That study reviews the complete pricing of electrical energy, not only for residential use but for commercial and industrial applications. And when the proposals resulting from the hearings are implemented, we will have a complete new costing and pricing system for electrical energy in Ontario. It may take a little longer than the member for Grey-Bruce wishes. It may take a little longer than I would wish. But ultimately the solution will be a more satisfactory one—not a piecemeal one—and

one that meets all of the needs and problems addressed by the select committee on Hydro and the results of the Task Force Hydro study starting in 1974. For those reasons I will not be supporting this piecemeal American bill.

Mr. di Santo: Cheap, cheap, cheap.

Ms. Bryden: Mr. Speaker, I think we are all aware of the way in which the huge increases occurring in energy costs have hit householders in Ontario. For that reason we are interested in considering any means of cushioning the impact on them.

This year's Hydro increase was 22 per cent, and the Ontario Energy Board has already approved an increase of 30.3 per cent in wholesale rates for next year. This could mean an increase in the average bill for the ordinary consumer of \$40 to \$50 a year. The cabinet can still stop that 30.3 per cent increase, and we are urging them to act by at least considering smoothing of the proposed Hydro rate increases for the next three years. But so far we haven't heard of any "stop Hydro" movement by the Premier (Mr. Davis).

The proposed Hydro increase, as all members have recognized, will hit pensioners and other people on fixed incomes particularly hard. Those on welfare, who have not had an increase for 17 months, will still have to find the extra money. The only way most of these people can meet increases of this magnitude is by reducing their food expenditures and their pitifully small allowance for car fare and recreation.

For average wage earners it will also mean a reduction in the standard of living because under the AIB controls they are limited to increases of eight to 12 per cent this year and six to 10 per cent next year. Many with low bargaining power have not even got increases of that level and they inevitably will have to cut back to meet the Hydro increases. We believe that the government has a responsibility to see that low-income people do not suffer hardship from these increases, which are beyond their control.

We do not think the present bill really offers the kind of relief that will look after their problems. For instance, it does not cover anything other than hydro costs, but natural gas costs have gone up tremendously. In the last few years there have been eight increases. A ninth is proposed for this coming winter of 18 per cent in the Metro Toronto area. Fuel oil costs have also gone up. We think if there is going to be any bill pro-

viding relief, it should cover all forms of energy.

We also have considerable reservations about the present proposal, mainly because we find it somewhat unclear. I share the views of the member for Scarborough Centre (Mr. Drea), which I don't very often do, on some of the unclear elements of the bill. It does not say anything about the additional charge on large users who use more than the minimum essential which the bill proposes will be set. It does not tell us how the minimum essential needs will be determined.

As the member for St. Andrew-St. Patrick (Mr. Grossman) mentioned, it does not tell us how there will be any variation for different family sizes. In fact, if it simply contemplates a flat charge for every residential premise, there is no incentive to conserve and it becomes a very regressive tax. There is no relationship between such a charge and ability to pay. Nor does the bill indicate what class of customers would pay more to pick up any revenue loss from this proposal. It appears there would definitely be a loss because the basic charge as set forth in the bill cannot exceed the charge in effect on January 1, 1975, plus 50 per cent of any 1975 increase, with nothing for any 1976 increase.

For these reasons I would have preferred to see a bill brought in which covers all energy sources. I think the tax credit route is probably the best one to consider for such a measure of relief. A tax credit can be tailored to ability to pay. It can cover all energy costs. It can be paid without administrative trouble by adding it to the present tax credits now available. Under the Ontario income tax system, they are paid even to people who do not have any taxable income, provided they fill out a form, and most people are already filling out forms in order to get the property tax credit.

The tax credit could be set at a basic sum for energy costs for the average householder or a percentage of energy costs on a declining scale so as not to encourage increased consumption, less two per cent of taxable income, as is done in all other tax credit in order to have a cut-off point so that the well-to-do would not get credit. That seems to me like an eminently worthwhile alternative to consider to this bill, and I would hope that the government would consider that rather than this bill.

Mr. Cunningham: All members of the Legislature are very concerned at the proposal currently before us to increase Hydro rates by 30.3 per cent in these times of in-

flation and restraint and certainly difficulty among those who are on fixed incomes, our senior citizens, and those who are not quite as fortunate I'm sure as all the members here in the Legislature.

I'd like to commend the member for Grey-Bruce for his continuing, very sincere concern on the part of these aforementioned people. All too often we don't tend to think about those people, and I commend him for this concern.

Mr. Grossman: We do over here.

Mr. Cunningham: The principle of this bill I think is very important. If we licensed our cars in the same way that we pay for our hydro, a person who drives a Datsun would have no financial incentive whatsoever by way of our licensing fees to drive that four-cylinder car. At the same time it would be absolutely absurd to afford some sort of reduction in licensing fees for that person who drives a Cadillac or Lincoln—or in fact a Rolls-Royce, as I saw the appointments secretary to the Premier (Mr. Davis) driving the other day.

I am sorry the Minister of Energy (Mr. Timbrell) is not here at this time. I am sure he is trying to explain this 30.3 per cent increase, which I must admit I have difficulty in explaining too.

But to get back to the principle of the bill, I am attracted to any idea that would, through fiscal incentives, encourage less use of hydro and at the same time give people a break who deserve it.

It wasn't that long ago and I am sure, Mr. Speaker, I don't know if you were in the chair at the time—I rather doubt it; you were possibly a private member at the time—but Ontario Hydro was encouraging us to live better electrically. Now today we have started this great conservation programme that I am sure all of us would like to adhere to and would subscribe to personally. But I am sure every one of us, given that recent tabling of philosophy, must be drawn to the conclusion that there is some very poor planning going on over there, if any.

I suppose every one of us is also drawn to the inefficiency that tends to go on over there and for that very reason we see a bill of this sort in some small way assisting those on fixed income to obtain some relief from these large increases in hydro. The ramifications of these increases I think are very, very far-reaching and very serious, not only as they affect those on fixed incomes but also those people who require a small amount of hydro to operate their business

and who operate their business in a very marginal fashion. I am referring now to our small business people.

It wasn't that long ago we heard the Minister of Energy talk about fiscal integrity, but if there is anything I think that would have a great deal of integrity it is the very thesis of this incentive-oriented type of inverted pricing. To that end I think that Adam Beck, if he were alive today, would adhere to it.

It seems in those days it was very integral to his whole thinking that Ontario Hydro's electric energy be provided to every single person in this province at the lowest possible cost. He was, I guess, very correct in his fears a long time ago when he said, "Watch what they do when I am gone." If he could only see what they have done. Now I am not necessarily referring to the building of that building without tender across the street or the expensive equipment stories we hear that disturb us all or whether it's Ontario Hydro buying cranes. The object of the exercise I am sure is to make that operation more efficient to us all.

In concluding, I would say that I appreciate this idea. The thesis of it appeals to me tremendously. I would only say to you, Mr. Speaker, that because it is a good idea adopted from some other venue or from an

opposition party, that we not so cursorily set it aside and disregard its intent, because I think its intentions are very good. I would suggest that before long the government will be appropriately impressed, largely through public opinion I would think, to redirect itself as it relates to the pricing of energy and the requirements. They are not very effective now, I don't think, and I think the members on this side would share that view.

Mr. Grossman: Where were you Friday?

Mr. Cunningham: I was here.

Mr. Speaker: Does the hon. member for Durham East wish to state his position? We have a minute.

Mr. Moffatt: Not at this time, Mr. Speaker, thank you.

Mr. Speaker: This order is now discharged from the order paper.

Hon. Mr. Welch: Mr. Speaker, before moving the adjournment of the House, we indicated Friday that tomorrow we would turn to legislation in the order that was mentioned then.

On motion by Hon. Mr. Welch, the House adjourned at 6 p.m.

CONTENTS

Monday, November 1, 1976

Point of privilege re training school death, Mrs. Birch.....	4273
Liquid waste disposal, statement by Mr. Kerr.....	4273
Training school death, questions of Mrs. Birch: Mr. Lewis, Mr. Nixon.....	4274
Public health nurses' negotiations, questions of Mr. Davis: Mr. Lewis, Mr. Deans, Mr. Nixon	4274
Preservation of Niagara agricultural land, questions of Mr. Davis: Mr. Lewis, Mr. Swart	4275
Racial discrimination allegations, questions of B. Stephenson: Mr. Lewis, Mr. Breaugh	4276
Pollution of lakes, questions of Mr. Bernier: Mr. S. Smith, Mr. Godfrey.....	4277
French-language education, questions of Mr. Wells: Mr. S. Smith.....	4277
Huronian regional centre, questions of Mr. Taylor: Mr. S. Smith, Mr. Lewis	4277
Comments of OSC chairman, question of Mr. Handleman: Mr. S. Smith	4278
Reallocation of juvenile institution resources, questions of Mr. J. R. Smith: Ms. Sandeman, Mr. Lewis	4278
Highway 400 extension, questions of Mr. Snow: Mrs. Campbell.....	4279
UTDC-ONTC train deal, questions of Mr. Snow: Mr. Wildman, Mr. Reid	4279
Payments to milk shippers, questions of Mr. W. Newman: Mr. McKessock	4280
Radioactivity at Port Hope, question of Mr. F. S. Miller: Mr. Yakabuski ..	4281
Family benefits rates, questions of Mr. Taylor: Mr. McClellan.....	4282
Zucchini recipe, question of Mr. W. Newman: Mr. Good	4282
Westinghouse anti-trust suit, questions of Mr. Timbrell: Mr. Burr.....	4283
Indian land and resource claims, question of Mr. Bernier: Mr. Sargent	4283
Report, public trustee, Mr. McMurtry.....	4283
Reports, Waterloo and Western Ontario universities, Mr. Parrott.....	4283
Re Ontario Energy Board report, Mr. MacDonald, Mr. Reed, Mr. Drea, Ms. Gigantes, Mr. Peterson, Mr. Grossman, Mr. Deans, Mr. Sargent, Mr. Mancini, Mr. B. Newman, Mr. Nixon, Mr. Timbrell.....	4283
Power Corporation Amendment Act, on second reading, Mr. Sargent, Mr. Drea, Ms. Gigantes, Mr. Reed, Mr. Grossman, Ms. Bryden, Mr. Cunningham.....	4306
Motion to adjourn, Mr. Welch, agreed to.....	4317

SPEAKERS IN THIS ISSUE

Bernier, Hon. L.; Minister of Natural Resources (Kenora PC)
Birch, Hon. M.; Provincial Secretary for Social Development (Scarborough East PC)
Breagh, M. (Oshawa NDP)
Breithaupt, J. R. (Kitchener L)
Bryden, M. (Beaches-Woodbine NDP)
Burr, F. A. (Windsor-Riverside NDP)
Campbell, M. (St. George L)
Cunningham, E. (Wentworth North L)
Davis, Hon. W. G.; Premier (Brampton PC)
Deans, I. (Wentworth NDP)
di Santo, O. (Downsview NDP)
Drea, F. (Scarborough Centre PC)
Eakins, J. (Victoria-Haliburton L)
Eaton, R. G. (Middlesex PC)
Ferris, J. P. (London South L)
Gigantes, E. (Carleton East NDP)
Godfrey, C. (Durham West NDP)
Good, E. R. (Waterloo North L)
Grossman, L. (St. Andrew-St. Patrick PC)
Handleman, Hon. S. B.; Minister of Consumer and Commercial Relations (Carleton PC)
Henderson, Hon. L. C.; Minister without Portfolio (Lambton PC)
Hodgson, W. (York North PC)
Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
Kerrio, V. (Niagara Falls L)
Lewis, S.; Leader of the Opposition (Scarborough West NDP)
MacDonald, D. C. (York South NDP)
Mancini, R. (Essex South L)
McClellan, R. (Bellwoods NDP)
McKessock, R. (Grey L)
Miller, Hon. F. S.; Minister of Health (Muskoka PC)
Moffatt, D. (Durham East NDP)
Newman, B. (Windsor-Walkerville L)
Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
Nixon, R. F. (Brant-Oxford-Norfolk L)
Peterson, D. (London Centre L)
Reed, J. (Halton-Burlington L)
Reid, T. P. (Rainy River L)
Riddell, J. (Huron-Middlesex L)
Rowe, Hon. R. D.; Speaker (Northumberland PC)
Ruston, R. F. (Essex North L)
Samis, G. (Cornwall NDP)
Sandeman, G. (Peterborough NDP)
Sargent, E. (Grey-Bruce L)
Singer, V. M. (Wilson Heights L)
Smith, G. E.; Acting Speaker (Simcoe East PC)
Smith, Hon. J. R.; Minister of Correctional Services (Hamilton Mountain PC)
Smith, R. S. (Nipissing L)
Smith, S. (Hamilton West L)

Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
Stephenson, Hon. B.; Minister of Labour (York Mills PC)
Stokes, J. E.; Deputy Speaker (Lake Nipigon NDP)
Swart, M. (Welland-Thorold NDP)
Taylor, Hon. J. A.; Minister of Community and Social Services (Prince Edward-Lennox PC)
Timbrell, Hon. D. R.; Minister of Energy (Don Mills PC)
Warner, D. (Scarborough-Ellesmere NDP)
Welch, Hon. R.; Minister of Culture and Recreation (Brock PC)
Wells, Hon. T. L.; Minister of Education (Scarborough North PC)
Wildman, B. (Algoma NDP)
Yakabuski, P. J. (Renfrew South PC)

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Third Session of the 30th Parliament

Tuesday, November 2, 1976

Afternoon Session

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

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CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

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LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 2, 1976

The House met at 2 p.m.

Prayers.

POINT OF PRIVILEGE

Mr. Godfrey: Mr. Speaker, on a point of personal privilege, although I don't see the Minister of the Environment (Mr. Kerr) here, my point is with regard to communications in this House. I have today received a letter in my office, dated October 25, on a rather important matter which I had raised with the Ministry of the Environment. In the same mail I received a letter dated November 2.

My point of personal privilege, sir, is that I am disadvantaged by this delay in mail and I wonder if there could not be some rectification made with regard to communications within this House itself.

Mr. Speaker: I'm not sure where the delay occurred. Ofttimes a letter is dated one date but it may not get into the mail. It may or may not be a lack of delivery, if that's what the hon. member is inferring.

Mr. Godfrey: That is indeed what I am inferring.

Mr. Speaker: I'm sure that whatever the content the hon. Minister of the Environment will take it into account. I understand one of the ministers has a statement, perhaps we might revert later—the Minister of Labour.

APPOINTMENT OF ASSISTANT DEPUTY MINISTER

Hon. B. Stephenson: Yes, Mr. Speaker, during my statement to the Legislature on October 26 on the introduction of The Employees' Health and Safety Act, Bill 139, I mentioned that I expected to appoint an assistant deputy minister responsible for occupational health and safety matters in the near future.

I am pleased to announce at this time the name of the new assistant deputy minister. His name is Dr. Clifford Rodney May.

Dr. May joins the Ministry of Labour after a life-long commitment to creating a safe and healthy work place.

Our new ADM was born in 1922 in Newbury, in the English county of Berkshire. He was trained at London University and received his licence in medicine and surgery in 1949. He subsequently took a number of post-graduate courses in occupational medicine, radiological protection, community medicine and industrial psychiatry.

Dr. May is a Fellow of the Royal College of Physicians and Surgeons of Canada and a member of the United Kingdom Royal College of Physicians, Faculty of Community Medicine. He holds a certificate in radiological protection and a diploma in industrial health.

He has 22 years' experience in the occupational health and safety field, beginning with 16 years with various corporations in the United Kingdom.

In 1968, he came to Canada, became director of industrial health services with the Department of Health in Alberta, and during his tenure there participated in the development of The Radiation and Health Act, the regulations covering lead, noise, the use of lasers, pneumoconiosis, x-ray installations and notification procedures for industrial diseases.

He moved to the Nova Scotia public health department in 1974 and developed that province's first occupational health service.

He is a member of a number of professional bodies, including the Permanent Commission and International Association on Chemicals, the American Conference of Governmental Industrial Hygienists, and the Canadian Council for Occupational Medicine. He has published a number of articles and papers and has been active in developing educational courses in occupational medicine.

He will take up his new responsibilities in the Ministry of Labour, in the occupational health and safety division, as soon as the employees' health and safety legislation has received the approval of the Legislature.

I am pleased to make this announcement today and I am even more pleased that a qualified scientist with a special knowledge of

industrial health problems and a demonstrated commitment to make the workplace healthy and safe for all workers has agreed to assume this challenging and demanding position. I am confident that his leadership will result in even greater progress toward creating a safe and healthy workplace in Ontario.

TRAINING SCHOOL DEATH

Hon. Mrs. Birch: Yesterday I rose in the House and indicated that based on an inter-ministerial review of the circumstances and criteria preceding the tragic death of Norma Dean, I would be making a full report to the House today.

I rise this afternoon to beg the indulgence of the House until its next sitting.

The initial report which I have received is extremely detailed. In its thoroughness it deals with many areas of personal medical and treatment records which are, frankly, of a highly confidential nature and would relate directly to the family's rights to privacy. In a discussion this morning with the mother of the deceased girl, the question of privacy was shared and held to be of common concern.

With the indulgence of the House, I would like to make the statement based on this report which I promised at the next sitting of the House. At that time I would be pleased to share the more detailed report with the leaders of the opposition parties.

While the report indicates extensive care and effort on the part of many agencies involved, one can never feel any sense of satisfaction when a tragedy such as this occurs.

I can, however, assure members that there was no breach of responsibility on the part of the Ministry of Correctional Services. The interministerial committee, on which my ministry is represented, did consider the matter. As this was related to a section 9 referral, there is no direct responsibility for the Minister of Correctional Services (Mr. J. R. Smith) to report it to me directly.

Mr. Speaker: Oral questions.

CHILDREN IN TRAINING SCHOOLS

Mr. Lewis: I hadn't intended to pursue it but since she gave a partial statement, I will. May I address my first question to the Provincial Secretary for Social Development.

Prior to her statement on Thursday, could I ask the minister to ask her colleague, the

Attorney General (Mr. McMurtry), to give to her a recent letter he received by hand yesterday from a lawyer in the Toronto area dealing with two specific referrals to training schools of 15-year-old girls in the immediate recent past, both of which referrals were on the advice of major government institutional arrangements, Thistletown again and Queen Street Mental Health Centre on the other hand, both of which were subsequently found to be inappropriate? Could I ask her in the process of the reply to comment therefore on the practice of government centres designed to handle such children recommending to the courts that training schools be used?

Hon. Mrs. Birch: Yes.

Mr. Lewis: A question, if I may, of the Minister of Correctional Services: Is the minister aware that just last week Judge James Fuller sitting in the family court division in Oakville made very critical comments of the necessity to refer children to training schools in the absence of alternate facilities—that was on Wednesday of last week? He said:

I am very concerned over the haphazard method of court-ordered direction over the young people of this community. How can a judge be driven to such anxiety in the one community where there is allegedly a diagnostic and assessment centre which, I assume, could have treatment capability if your ministry and the government were to grant it?

Hon. J. R. Smith: It is an assessment centre of this ministry and actually there just happens to be a treatment programme for girls at Oakville in operation since the end of August at that facility. I think the very fact that there are so few children compared to a few years ago in training schools shows us that there have been alternative in-community services provided to look after these youngsters. I would just like to set the record straight by saying that my personal visits to the training schools of this province have given me every assurance that the care and the concern of the staff and those involved with looking after the children and caring for them at these various schools are of a very high order, and that very good programmes are being offered in the main.

Secondly, I was not aware of His Honour's statement. I have not heard of it before.

Mr. Lewis: Supplementary: Whatever the quality of care or containment which is available in a training school, the minister

would not deny that Judge James Fuller speaks for most of the family and child court judges in the province when he expresses his frustration and dismay at a reference to a training school in the absence of alternate facilities. The minister would agree that that is so?

Hon. J. R. Smith: I really don't see how he could say that.

Mr. Lewis: The minister really doesn't see that?

Supplementary: He is not aware that even the Attorney General is reported on the weekend as having spoken to family court judges who presented to him their anxiety of referring children to training schools under these sections—at least section 8; it might have been section 9 as well?

The minister is surely not fighting a rear-guard action to civilize what is essentially and permanently a punitive setting.

Hon. J. R. Smith: First, I would like to say about containment that the basic philosophy of all the schools, other than the facility for girls at Oakville and Hillcrest School in Guelph is not really of confinement. They are basically open schools. I refer the hon. member to Brookside School in Cobourg which is very open. There is a need for more community-based facilities, as the Attorney General said. I agree with that and I would like to see more of them developed. Undoubtedly, we are reviewing the whole matter of the schools. We closed one last year and the counts are down in a number of others. It's under review.

But I think there will always be the need for some training school facilities in this province. Other provinces and jurisdictions have done away with them and then have had to come back and reintroduce them or have opened facilities under a different name. In essence, they are really the same thing; they are for a certain small group of very difficult, hard-to-manage children. I'd agree they are not basically psychiatric assessment health facilities; they are training school facilities. What the Attorney General was referring to I think is very valid, and new facilities of that nature undoubtedly will be forthcoming.

[2:15]

Mrs. Campbell: Does the minister not feel some concern that judges, having expressed the concern about the lack of facilities over the years, may feel they can no longer use the training school and therefore we may lose

the opportunity to assist children because they slip through the system?

Hon. J. R. Smith: The fact is that I'm pleased so many judges usually only use the training school as the last avenue of placement for the youngster.

Mrs. Campbell: Certainly.

ACTING-OUT ADOLESCENTS

Mr. Lewis: I have a further question for the Provincial Secretary for Social Development. I'd hoped that the Minister of Health (Mr. F. S. Miller) would be here. Could I ask her to ask the Minister of Health to refer to her the three very serious cases in the Lakehead which were brought to the attention of government by my colleague from Port Arthur from a private psychiatrist, Dr. David Palfaram, who attends at the psychiatric hospital and acts as a consultant to the Children's Aid Societies and other groups—I had the pleasure of meeting with him myself a few weeks ago—to look into the three instances which he has cited of severely acting-out adolescents in the Lakehead, one of whom ended up jumping from the fifth floor of the pediatric wing of the General Hospital; the other of whom ended up in an adult ward in the psychiatric hospital; and the third about whom he has enormous concerns until this day, to see again if the minister can take a look at these constantly proliferating examples of difficulty in the adolescent area to provide us with a policy as well as an explanation?

Hon. Mrs. Birch: I'll be very pleased to discuss that with the Minister of Health. But I just would like to emphasize that of course there are always instances where we do have these situations arise. I think that we shouldn't lose sight of the many hundreds of children who are helped within the system that we do provide.

HEALTH HAZARDS AT JOHNS-MANVILLE PLANT

Mr. Lewis: I have a last question, I guess—I've taken up time—of the Minister of Labour, if I may. I'm not quite sure how to phrase this, but I'll do it carefully. Has it been brought to the minister's attention, or might the minister inquire into a recent proliferation of cases of lung cancer, stomach cancer and asbestosis leading from the Johns-Manville plant in Scarborough? Many of them were workers who have worked for 20 years or more. I have five that were brought to

my attention today, all of them within the last few months, and one who died on Saturday night, apparently without the x-rays at the end of 1975 or 1976 showing the imminent severity of the illness. Is it possible on that basis to try to provide testing lung cytology which might go beyond mere x-rays, so that the workers would know how quickly the diseases were advancing?

Hon. B. Stephenson: No, it has not been brought to my attention and, yes, I might be persuaded to examine this. I have not seen this information and I should be very pleased to. Sputum cytology is one of the areas in which I am particularly interested.

DECLINE IN BUILDING PERMITS

Mr. S. Smith: A question of the Minister of Housing: Given the further evidence in Ontario recently of a decline of 1.8 per cent in building permits issued for construction of dwelling units in the first six months of this year, which contrasts with an increase of 25.4 per cent across the nation generally, is the minister prepared to explain to us why it is that Ontario is lagging behind the rest of Canada and precisely what policies he is now going to implement to make sure that we catch up?

Hon. Mr. Rhodes: The hon. member of course is using the percentage figures and I think he well knows that in the province of Ontario today there are a large number of new units that are for sale. The decline, if you will, in the starts of construction is a result of a market that has all kinds of houses for sale. Surely the hon. member does not expect people in the industry to be building houses until they are reasonably certain there is a market for their products?

Mr. Sargent: That is a pretty lame answer.

Mr. S. Smith: By way of supplementary, since the minister is suggesting to us that there is a glut of houses on the market and thus explains our lagging behind, could he also explain how it is that the figures for multiple dwelling starts—in which, by his own admission, there is a shortage at least in Metropolitan Toronto and elsewhere—are up 19 per cent nationally but have fallen three per cent in Ontario? Does he have any policy or not?

Mr. Roy: Not many of those for sale.

Mr. Bullbrook: Tell him why, Sidney.

Hon. Mr. Rhodes: The hon. member, I believe, is aware that in calculating multiple housing or apartment starts in this province, we deal strictly with rental accommodation. In other jurisdictions in the country, counted in as multiple family units for rental purposes are condominiums. We haven't done that. If we do that, I think he would find that the figures would be certainly comparable and would show that we do have the multiple housing starts. In the pure rental accommodation, quite frankly, there have not been the starts in this province for a number of reasons of which I think the member is aware.

Mr. S. Smith: By way of supplementary—the minister has not answered the main point of the question—if he admits that there are not the rental starts in this province and people need somewhere to live, what policy is he going to follow to bring about the rental starts in Ontario?

Hon. Mr. Rhodes: Short of, I suppose, simply going out with a dictatorial hand and forcing people to get into building rental accommodation—

Mr. S. Smith: You can't think of anything else.

Hon. Mr. Rhodes: —I don't understand how we can possibly force people to do that. If the hon. member has some magical solution to the problem, we cannot have developers building it—

Mr. Sargent: You are dragging your feet.

Hon. Mr. Kerr: What would you suggest?

Mr. Roy: You are really way off this.

Mr. S. Smith: When we are over there, we will solve it.

Mr. Speaker: Order, please.

Mr. Lewis: We have an answer.

Interjections.

Hon. Mr. Rhodes: If the hon. member is suggesting that the problem will be resolved when he comes to this side of the House, there will be ample rental accommodation apparently in about the year 3000.

Mr. Nixon: Heaven help us if you are re-elected.

Mr. Cassidy: The minister having admitted that he lacks the magic wand, can he tell us if he has any policies to bring affordable

housing for people to buy or to rent on the market, given the fact that the glut is in the very high priced sector?

Hon. Mr. Rhodes: The hon. member knows very well that as far as Ontario Housing Corporation is concerned we have been going ahead with developing the HOME projects in various parts of this province. There has been an attempt made to provide low interest rate loans to developers in order to build these buildings in the particular communities. He well knows some of the problems faced in the various communities when they try to develop this type of housing. We have had some success in providing lower cost housing. I would tell the hon. member, and all members of this Legislature, that we are now, at the present time, having some difficulty in marketing units which have been built under the HOME programme. They just aren't buying them. For some reason or other, people are quite prepared to stay in their rented accommodation.

Mr. Singer: Is the minister telling us that he is satisfied with Ontario's housing policy; that he's satisfied with the list of people wanting public housing; and he's satisfied with the fact that most people in Ontario, of average income, cannot afford either housing or rental accommodation? Is that what he's saying?

Hon. Mr. Kerr: It is the federal interest rates.

Hon. Mr. Rhodes: I am certainly not satisfied and I don't think any member of this Legislature is satisfied but there are circumstances which have to be overcome and which the hon. member is aware of. I don't pretend to have the magic wand that was referred to earlier and I am reasonably satisfied that they don't have it over there either.

Mr. Roy: You are not even trying, though. That is your problem.

An hon. member: If you can't do the job, then get out.

Mr. Cassidy: If the minister is dissatisfied, is he prepared to ensure that 90 per cent of the houses built under the Ontario Housing Action Programme be dedicated to people earning less than \$17,000 a year rather than 10 per cent only which is the present policy?

Hon. Mr. Rhodes: No, Mr. Speaker.

Mr. Lewis: So you won't put affordable housing on the market.

COST OF HOME BUYER'S GRANT AUDIT

Mr. S. Smith: On the same topic to the Minister of Revenue. Considering that in the last campaign the great answer to the housing problem was the home buyer's grant, can he now tell us what he estimates the cost to be of continuing the audit at the end of this calendar year into those people who have illegally or incorrectly obtained home buyer grants? Precisely how much will it cost to recover the \$9 million?

Hon. Mr. Meen: I think it is fair to say that that kind of cost is difficult, if not impossible, to estimate.

Mr. Ruston: You don't know how many you have got to start with.

Hon. Mr. Meen: The short answer to the hon. member is that I cannot tell what the cost would be.

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Meen: One has to consider not only the expenses of audit directly relative to their conduct, but the lost revenues to the province in the other areas in which those auditors would otherwise be active with respect to retail sales tax and corporations tax. As we get farther and farther along in this programme, the audit of retail sales tax and corporation taxes then gets a little farther behind all the time. When one recognizes that there is a three-year limitation period with respect to the remission of retail sales taxes collected, those start to go off the end of the spectrum and are then potentially lost to the government forever. So it is essential we get back to conducting those audits.

Mr. S. Smith: By way of supplementary, since we are now being informed that the same auditors who would have to do this check for the Minister of Revenue would then have to neglect their work in the sales tax area where the statute of limitations is apparently three years, could the minister tell the House whether he thinks there might be the possibility of hiring outside auditors to check on the people who have incorrectly received these grants, and whether there is any chance that these outside auditors would charge less than \$13.5 million of public funds to do that check, to recover the money and also to recover the additional \$500 which his ministry is going to send out to illegal holders of these grants?

Mr. Roy: That's right.

Mr. Reid: You could use the member for London North (Mr. Shore) at half the price.

Mr. Ruston: Yes, we have got a job for him.

Hon. Mr. Meen: The hon. member is, I expect, not deliberately distorting this picture, but certainly he is distorting the picture of the potential lost revenues. For one thing, the \$9 million which the hon. member is multiplying by 1.5 to come up with the \$13.5 million figure he has just mentioned—

Mr. Peterson: He is closer than you are.

Hon. Mr. Meen: —is on the basis of a linear extrapolation of the 10 per cent figure.

Interjections.

Mr. Speaker: Order, please. The hon. minister.

Hon. Mr. Meen: I thought that expression would get the hon. member. Perhaps he would like to go back and look it up.

Mr. Roy: Is that expressed horizontally?

Hon. Mr. Meen: No, I had not thought of using regression analysis. The fact of the matter is that the audits being conducted—

Interjections.

Mr. Speaker: Order.

Hon. Mr. Meen: —and which will be completed by the end of this year are being conducted in large measure in the areas in which we would anticipate a higher rate of identification of the individual cases of lack of compliance.

Mr. Cassidy: I will get it from your candidate.

Hon. Mr. Meen: So it is not accurate to extend in a linear fashion the 10 per cent figure which we have established as the rate of recovery within the other category.

Mr. S. Smith: Oh, come on, you can do better.

Hon. Mr. Meen: If the hon. member for Hamilton West will just stop trying to interject snide remarks and listen to what I am trying to say—

Mr. Conway: No extrapolations.

Mr. Roy: Answer the question.

Mr. Ruston: Answer the question then.

Hon. Mr. Meen: —I'll point out to him that we would expect that that figure is considerably less than the \$9 million on which he is basing his extrapolation. Furthermore, just the fact of identification of these areas does not effect recovery. There are many of these instances in which the money has been spent, in which it might be impossible to recover the moneys improperly obtained—

Mr. Roy: Oh, yes, get a judgement against the house.

Hon. Mr. Meen: —simply because we do not want to be that hard-boiled about recovery from some people who have taken this \$1,000 honestly or otherwise and spent it for the purchase of white goods when they bought their first home, or at least as alleged by them to us to have been their first home.

So, just by way of identifying these homes does by no means indicate or confirm that we will recover the money. We expect to recover a substantial part of it, but by no means would we recover all of it. I might point out another thing. The hon. member is suggesting that we should go out and hire auditors. We cannot go out and simply hire auditors in that sense.

Mr. Peterson: Put them on a contract.

Hon. Mr. Meen: These are skilled people from the branch.

Mr. Roy: Oh yes, there is no one.

Hon. Mr. Meen: I am not about to suggest we should do that, entirely apart from our constraints on employment of additional staff.

Hon. Mr. Handleman: That is the Liberal syndrome; hire more people, hire more people, always hire more people.

Mr. Speaker: Order, please.

[2:30]

Ms. Bryden: In spite of the fact that there is a three-year period in which to collect back taxes, it seems to me that tying up the auditors for the past several months as well as the next three months is going to cause some loss of revenue to the province; and taxes not collected mean the rest of us pay more. Can the minister estimate how much he expects to lose in tax revenue from the fact that the auditors have been tied up for six months? I think this cost should be added to the cost of the home buyers' grant.

Hon. Mr. Meen: It is possible that there would be some outside that three-year period but I don't believe that that is significant,

provided we don't keep these people out of that field too much longer.

Mr. Lewis: You'll lose \$15.6 million.

Mr. Speaker: Order, please.

Mr. Bullbrook: In connection with the response by the minister to my leader's original question, when he brought the legislation before this House, did he not recognize at that time that he would have to establish ancillary administration? Did he not also recognize at that time that legally he had to perform a post-audit?

Hon. Mr. McKeough: You are the people who amended it.

Mr. Bullbrook: I'm sorry, who's yelling?

Mr. S. Smith: It's Darcy. When he's wrong he yells.

Mr. Speaker: Order, please. Would the hon. member just carry on with his question?

Mr. Roy: That was brought in before minority government, if you recall.

Mr. Speaker: Order.

Interjections.

Mr. Speaker: Order, please. The hon. member for Sarnia has the floor.

Mr. Bullbrook: Did he not recognize he had a responsibility to perform a post-audit? Is he telling my leader, in effect, that he intended to use the audit people with respect to retail sales tax to perform the post-audit—which is his ministerial responsibility—and he can't do it now because of the time limitations in the Retail Sales Tax Act? Is that the answer that he is giving to us now?

Hon. Mr. Meen: We had intended from the beginning—

Mr. Reid: And you call yourselves ministers.

Mr. Speaker: Order, please.

Hon. Mr. Meen: —that the post-audit programme would end at the end of this year. It had never been expected that it would carry on through two or three years—

Mr. Bullbrook: Why not?

Hon. Mr. Meen: —so that a post-audit would be conducted on all of the grant applications. We had to rely, as I've said in this House before, on the integrity of the applicants when they filed and in their certification. I might just emphasize it was the hon. mem-

ber for Sarnia who proposed the amendment that extended this qualification to all homes regardless of their location.

Mr. Bullbrook: By way of one final supplementary, may I premise my final question—

Mr. Speaker: Is the hon. member correcting something?

Mr. Givens: A point of order here—

Mr. Speaker: I misunderstood what he said.

Mr. Cassidy: As a final supplementary, could the member explain why the government is showing this compassion to home owners when the same government is hounding public housing tenants for every nickel of back rent to which they became liable because OHC got taken out of rent review?

Mr. Speaker: Is there no answer?

Hon. Mr. Meen: I can speak only for my ministry, and I can say that we illustrate some compassion.

Interjections.

Mr. Speaker: Order, please.

Mr. Peterson: I don't understand this. By the minister's own admission he doesn't know the costs of recovery and he's not prepared to estimate those; how can he make a decision on whether to proceed with recovery if he doesn't know what the costs are?

Hon. Mr. Meen: Simply because we know that to keep our auditors out of the retail sales tax end too much longer would start to raise that spectre and we do not want to do that.

Mr. Speaker: We should have a new question now.

Mr. S. Smith: A new question for the same minister: What's going on? Is he prepared seriously to go before the people of Ontario and to say that approximately \$13 million—I won't quarrel with him; maybe it's between \$10 million and \$13 million—that kind of money, public funds, taxpayers' money, is to be lost because (a) he doesn't think he could find some auditors to do the job; and (b) he figures that even if he finds the people he couldn't dream up a way to get the money back from them? Is that really what he is saying to the people of Ontario?

Hon. Mr. Meen: Mr. Speaker, the gross figure which the hon. member uses—it's in

that ball park somewhere; perhaps in the order of \$10 million or so—is that amount which we would identify were we to complete the audit. I've indicated that we would be unlikely to recover all of that money so we can't look at that figure as a total.

We will have identified, by the time the programme of post-audit is completed at the end of this year, a significant portion of that and within the area which we do identify there will be a portion which will be recoverable. Somewhere in there we have to stop this kind of work and get on with the job in the government which is more important. With respect to retail sales tax alone, when we recover something in the order of \$5 million or \$6 million daily, to say nothing of corporation taxes it's essential that those audit programmes go forward—and that is what we propose to do.

Mr. Bullbrook: A supplementary, if I may: Is it not a matter of logic and common sense that when you know there is something wrong, you pursue the wrongdoer; and that the minister doesn't presume there's a wrongdoing in retail sales tax? That's all my leader is asking of the minister. Ferret out these people so that the public knows they don't do anything wrong and get away with it—

Mr. Speaker: Thank you. The question has been asked.

Mr. Roy: I've got a supplementary.

Mr. Speaker: Order, please. I think we can get on to another subject.

Interjections.

Mr. Speaker: The hon. member for Hamilton West with a further question?

Mr. Roy: No, look—

Mr. Speaker: Order, please.

Mr. Roy: No, you've cut me off twice now.

Mr. Lewis: We will all ask a supplementary, then you can—

Mr. Speaker: Order, please. We've spent quite a few minutes now on the same topic and getting the same answers. The questions are—

Interjections.

Mr. Speaker: Order, please. In order to be fair to everybody else who wishes to ask other questions, I think we need to get on and change the subject. The hon. member for Hamilton West has a further question.

Mr. Lewis: Why don't you turn it all over to Marvin Shore on special assignment? He will fix it all up.

Mr. Speaker: Order, please.

DEVELOPMENT OF JUNIOR MINES

Mr. S. Smith: I must say this is a first in my short career here, Mr. Speaker.

A question for the Premier, if I might: Can the Premier now report to the House the findings of the advisory board which he has set up regarding Ontario Securities Commission policy 3-02, the regulations on junior mines financing? I believe, if I'm not mistaken, the Premier had stated that his policy would be ready no later than June 1 and he would act with dispatch. Would the Premier tell us what the status of that is, please?

Hon. Mr. Davis: Yes, Mr. Speaker, I'm informed that the group has been meeting. We should have a report before the end of the year.

Mr. Nixon: Oh, it was next June?

Mr. S. Smith: By way of supplementary, in view of the fact that the prospecting and exploration industries in Ontario have virtually ground to a halt and no new mines are being developed, how is it that the Premier is now having to go back on his statement, which said, "I give you my commitment that the government will act to effect that action with dispatch no later than June 1"? Which year did he mean?

Hon. Mr. Davis: Mr. Speaker, if it's any help to the hon. member for Hamilton West, who is trying to shine here today—

Mr. Nixon: And doing a very good job!

Hon. Mr. Davis: —I would say to him that I mean this year.

Interjections.

Mr. Speaker: Order, please. Order.

Mr. Reid: Not much competition.

Hon. Mr. Davis: I said "trying to." I didn't say "succeeding."

Mr. Nixon: So what about June 1?

Mr. Peterson: I have turned out a graph—

Mr. Speaker: Order, please.

Hon. Mr. Davis: Why is the member for London Centre so enthusiastic? How is his campaign going?

Mr. Peterson: You've got a problem in—

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Davis: However, getting back to the question of the member for Hamilton West, who was concerned about having proper regulations in the right sense of the word as they relate to the prospecting industry, which I think some of us in this House agree is in need of some consideration or some encouragement, I am also informed, though—it might be of some interest to him—that in spite of this concern, as of June there were no applications before the Securities Commission, but there are now three.

Mr. Reid: Do you know why? They can't get any information out of them. They don't know what's going on.

Mr. S. Smith: That's right.

Mr. Speaker: Order, please.

Hon. Mr. Davis: I would only say to the president of the Liberal Party of Ontario, as separate from the Liberal Party of Canada—

Mr. S. Smith: Why are you six months late?

Hon. Mr. Davis: —that if his people had their way, there would be fewer applications even now than exist today. That's right.

Mr. Reid: How can there be fewer than none?

Mr. S. Smith: Fewer than none?

Mr. Speaker: Order, please. The hon. member for Rainy River does not have the floor.

Hon. Mr. Davis: However, we will have the report by the end of the year.

Interjections.

Mr. Lewis: I think socialism is responsible for this.

Mr. Speaker: Are there any further questions?

Interjections.

Mr. Speaker: Order, please. You are out of order. Order, please. I might point out—

Interjection.

Mr. Speaker: Order, please. I might point out we've been over 20 minutes on this leader's questions. Are there further questions?

Mr. Conway: Are there any answers?

Mr. Speaker: With the questions and answers, of course.

Mr. S. Smith: Yes, one brief question. I didn't think we had spent 20 minutes on my questions, Mr. Speaker.

Mr. Speaker: Well, I keep track of it up here. I assure the hon. member that it's true.

Mr. S. Smith: All right. Well, that's the problem when you try to shine, Mr. Speaker.

Mr. Speaker: If you have a question, will you please present it?

FRENCH SERVICES FOR HANDICAPPED

Mr. S. Smith: A question for the Minister of Community and Social Services—

Mr. Lewis: Oh, spare us!

Mr. S. Smith: Does he agree with the statement that's attributed to Ms. Ellen Adams of the Ombudsman's office, when she said that it's "outrageous" that the Rideau regional mental retardation facility offers no services in the French language for the French-speaking children? What is his response to that statement and to the recent charges at the national conference on mental retardation that French services in eastern Ontario for French-speaking handicapped children are virtually non-existent?

Mr. Eakins: Darcy says there should be more French.

Hon. Mr. Taylor: Naturally with regard to the first part of the question, no. In regard to the second part of the question, we do make every effort to accommodate the clients held in our institutions and I think that's being done fairly well.

Mr. S. Smith: By way of supplementary—I'm sorry, Mr. Speaker, but after an answer like that—can the minister please give some explanation as to why it is that there are no French services at the Rideau centre, and that there are no facilities for French-speaking children who suffer from mental retardation? It's a very simple question.

Hon. Mr. Taylor: Where there is a need I can assure the member that it's addressed. That's the short answer. He asked for a short answer.

Mr. Cassidy: Having visited the Rideau Regional Centre this summer, is the minister aware of what it means to see a retarded person aged over 21, whose only language is French and who has very little command of that language, who is addressed only in English by the staff of the Rideau Regional Centre because there is virtually no French competence there at all, and no effort to put French-speaking residents in with French-speaking staff? Doesn't he consider that to be sound therapy?

Hon. Mr. Taylor: Is that a question? Maybe the member could rephrase his question.

Mr. Lewis: Yes, it is a question.

Mr. Conway: Try to answer it.

Mr. Speaker: Order, please. We're wasting time now.

Hon. Mr. Taylor: If he is asking me to agree with his visitation I don't.

Mr. S. Smith: At least rescue Bette Stephenson.

GREAT WEST STEEL PLANT CLOSURE

Mr. di Santo: I have a question of the Minister of Labour, Mr. Speaker. Since on December 17 the Great West Steel plant in Mississauga, which employs 300 workers, will be shut down, I'd like to ask the minister whether the ministry is satisfied with the reasons given by the company for the closing, and whether the minister has made any attempts to delay the closing at least until after the new year?

Hon. B. Stephenson: Mr. Speaker, we have been notified by the company of the phasing out programme which it is proposing for reasons which it believes are valid. The ministry is examining those reasons and is also assisting that company in the adjustment of employment for the people who are working presently in that plant.

Mr. di Santo: By way of supplementary, Mr. Speaker, while the minister is examining the reasons given by the company can she also inquire whether the closing has anything to do with similar operations of the company in California and Mississippi, and with the system of contracting out work that the company practises?

Hon. B. Stephenson: Mr. Speaker, I have no knowledge of contracting down in other areas. Some of the reasons which have been given, I gather, have to do with the competitive position of that company in terms of its product. I think this is probably a valid economic reason. There are some other reasons being given as well which we are looking at.

COMMENTS OF MEMBER FOR OTTAWA EAST

Mr. Roy: I have a question for the Minister of Consumer and Commercial Relations. I wonder if the minister might let us have his comments pertaining to a story that appeared in yesterday's Citizen, a story written by Mr. Bert Hill about the member for Ottawa West (Mr. Morrow), in which, if I may quote in my question, he states:

Mr. Morrow has some pointed and unflattering things to say about the current cabinet: "I told Don Irvine to his face that if he stayed as Minister of Housing we'd lose every city seat in the province." As for Sid Handleman's frequent statements that he will quit if rent controls are not allowed to expire next year, Mr. Morrow says: "I told Handleman to shut his goddamned face on taking off rent controls."

Did he shut his face?

Hon. Mr. Bernier: Great member, great man.

Mr. Speaker: Order, please.

Hon. Mr. Handleman: What is the question?

[2:45]

Mr. Roy: I asked him did he shut his face? What's his comment pertaining to this?

Hon. Mr. Handleman: Mr. Speaker, I haven't got the slightest idea what the question was. I heard the report and I had already read it. So, if he wants to ask a question, will you ask the hon. member to do so?

Mr. Bullbrook: The question is did he say to you—

Hon. Mr. Handleman: If the question is did I say it, the answer is no.

Hon. Mr. Davis: I hope this is on film.

Mr. Speaker: Just a moment. Order, please. The purpose of the question period is to seek

information, not so much comment on things. We are wasting the time of the question period with improper use of it.

Mr. Roy: No, I asked him did he say it.

Mr. Speaker: All right.

Interjections.

Mr. Roy: He's been around long enough to know how to answer a question.

Mr. Speaker: Does the member for Ottawa East have a legitimate question?

Mr. Roy: Mr. Speaker, my question was to the minister: Did he say it? Is he shutting his face about rent control?

Hon. Mr. Handleman: Mr. Speaker, the answer to the question is no. The hon. member for Ottawa West did not say it to me and, therefore, the second part of the question does not have to be answered.

Mr. Speaker: Order, please. A final supplementary by the Leader of the Opposition.

Mr. Roy: Just a quick supplementary.

Mr. Speaker: Order. The Leader of the Opposition.

Mr. Lewis: As a matter of fact, it is a very opportune moment and I want to ask if the minister intends, despite the public utterances, to extend rent control beyond July, 1977, as was indicated? If so, can he bring in legislation this fall so that people will have adequate advance notice of the government's intention?

Hon. Mr. Handleman: The government will announce its intention in the usual way. No decision has been made by government—

Mr. Lewis: No decision?

Hon. Mr. Handleman: —nor has it even been discussed by government.

Mr. Lewis: No decision?

Hon. Mr. Handleman: No.

Mr. Lewis: So you differed on a whim—just impulse?

Mr. Speaker: Order, please.

THUNDER BAY JAIL

Mr. Foulds: I have a question of the Minister of Correctional Services with regard to the Thunder Bay Jail. It's a three-part question if you will bear with me.

Which of the recommendations in the memorandum of Mr. J. R. Keddie of May 11 to Mr. G. F. Tegman of the ministry with regard to the Thunder Bay Jail have been implemented? In particular, I wonder if he could address himself to enlightening the House as to whether point No. 6 on page 2 of that memorandum, a procedure which is so fraught with security breaches and danger because of under-staffing at the jail, has been met by the implementation of post No. 3, as outlined in Mr. Keddie's memo?

Can he tell me whether the fundamental structural changes, as outlined in the last page of Mr. Keddie's memo, which would avoid the crowding at the front of the jail has taken place or are even under way?

(Thirdly, can he tell me if it is true that the jail is so overcrowded at times that the staff must issue night passes to prisoners because there are simply no beds for them at the jail?

Hon. J. R. Smith: Mr. Speaker, it's a very long and detailed question.

An hon. member: Take your time.

Mr. Singer: Be as long and detailed as you can.

Hon. J. R. Smith: I will seek to give the answer. I have been informed that the Thunder Bay Jail document the member is referring to—that's a confidential document, of course, which the member received in a brown envelope, I presume—is a report of February, 1976. The regional administrator for our northern area requested the superintendent of the Fort Frances Jail, a Mr. J. Keddie to take up the position of superintendent of the Thunder Bay Jail on an acting basis in the absence, because of illness, of the superintendent, Mr. Gillespie.

While there, Mr. Keddie made a number of recommendations to the regional administrator regarding security and programming at that institution. On receipt of these recommendations the regional administrator asked our inspection and investigation branch at main office in Toronto to attend at the jail to review the recommendations and the recommendations which had recently been made by the grand jury. The review was carried out; certain changes at the jail have been effected and others are under way as a result.

In September, 1975, our official complement at the Thunder Bay Jail was 34. By July 23, 1976, we had increased this figure to 40 by adding three correctional officers, two

nurses and one clerk complement. We retained our OCAP student. In the clerical stores area during the summer we employed a summer student as a storekeeper who set up a satisfactory stores operation. Also during the summer and into September we employed a summer recreation student who set up a recreation programme. As part of our ongoing review of complement requirements in all institutions we are now considering whether additional complement is required in excess of the extra complement assigned during the summer.

With respect to the facilities and modification of the jail, a security grille has now been installed at the control office which was not there at the time of the hostage-taking incident, and steps are under way to install a security grille in the kitchen. Plans are also under way with the Ministry of Government Services to more greatly secure the exercise area through the installation of razor-ribbon wire or chain-link fence. The kitchen has been renovated and new equipment has been added.

The revision of standing orders is now taking place, and it is expected that revised standing orders will be put into operation in the near future. The movement of inmates within the institution has been greatly restricted since the hostage-taking incident. With the implementation of these revised standing orders, the addition of extra staff as mentioned, renovations which have been carried out and are contemplated, it is expected that the recommendations of both Mr. Keddie and the grand jury will be largely satisfied in terms of security and programming.

Also it is important to note that the regional administrator has been meeting with the employees, through our employee relations committee. The ministry has responded to the recommendations which have been made regarding the Thunder Bay jail. The point may be raised regarding the recent hostage-taking incident, that if more staff had been added or more renovations had been completed, this incident would have been avoided.

Our inspectors have carried out a complete investigation into this incident and they've commented that the jail has designed efficiencies, and staff coverage was adequate to meet security requirements at the time of the incident. The key thing is that this incident developed through a breakdown in security practice at a time when the jail was holding more inmates than its rated maximum

capacity. Unless staff members are carrying out or the superintendent is enforcing correct standing orders regarding security, particularly the transfer of inmates within the institution, there is going to be a breakdown.

The capacity there is 64 males and eight females. At the present time, there are 67 males and two females. So, in respect to the overcrowding, it is not undue but it was at the time of the incident when there was an overcrowding situation. Also involved in the whole matter, as far as I'm concerned, is that there were too many prisoners in transit between the chapel and the corridors at the time the hostage-taking occurred.

Mr. Speaker: May I suggest that is the sort of question that's quite long, involved and complicated and which required a long and detailed answer. It has taken approximately five minutes of the question period, which is really a little bit too much to expect of a question and answer.

Mr. Foulds: One quick supplementary, Mr. Speaker.

Mr. Speaker: I would suggest that in future such a question which requires such detail might more appropriately be placed on the order paper for a long answer too.

Mr. Roy: Mr. Speaker, on a point of order.

Mr. Speaker: Order, please. That's just a comment on the question and the answer which was necessary.

Mr. Roy: No, he had a prepared statement.

Mr. Speaker: Order, please. We just have a few more minutes left. If you have further questions or if you have a quick supplementary, that's fine.

Mr. Foulds: Yes, specifically, I would like the minister to answer whether the procedure that is outlined in point No. 6—which frankly I have not yet made public and I dare not enunciate in this House because it could endanger the lives of guards—if that particular procedure has been eliminated by the establishment of a post of key man, post No. 3, that is outlined later on in the memo?

Hon. J. R. Smith: I'll review the internal document the hon. member makes the reference to and answer that tomorrow.

BULK GASOLINE STORAGE COSTS

Mr. McKessock: I have a question for the Minister of Agriculture and Food. In view of the fact that farmers are being asked to pay more for bulk farm storage of gasoline than they can purchase it for at a local service station, and in view of the fact that this is a reversal of oil company policy, and as well the companies are aware that the farmers cannot drive to town to fill up, it appears that they are taking advantage of the farmer in this regard. I would ask the minister if he would consider doing something to protect the farmers in this area?

Mr. Reid: Is he going to resign?

Hon. W. Newman: As the member knows, I am always prepared to protect the farmers and always have been. Certainly I'm not aware of that situation. My bulk tank price delivered to my place—and I don't get any preferential treatment—is a fair price.

Mr. Nixon: Yes, but you make your money off the farm.

Hon. W. Newman: But certainly if there is a particular problem I will discuss it with the appropriate minister—I guess the Minister of Revenue. Maybe that question should have been directed to him.

Mr. Nixon: He can't spare any auditors.

Hon. W. Newman: I can let the member know if there is any problem, there might be a price war going on in the particular town he is talking about. I don't know.

Mr. Nixon: No.

Hon. W. Newman: Certainly I will look into it.

Mr. Peterson: You stay making zucchini; you are doing all right.

Mr. Speaker: The oral question period has expired.

Petitions.

Mr. Roy: Mr. Speaker, a point of order.

Mr. Speaker: A point of order, yes.

Mr. Roy: Mr. Speaker, under standing order 27(d) it's at the discretion of the Speaker, if you feel a statement or an answer by a minister is in fact a statement, to say that the House should revert to statements. That is a discretion which you have. In view of the lengthy statement by the minister, which did take five minutes, and since it's

not the fault of the member who asked the question but of the minister who answered the question, can we get some extra time?

Mr. Speaker: I think I have said what I wanted to say about that particular question and answer, both.

Presenting reports.

REPORT

Hon. B. Stephenson presented the 57th annual report of the Ministry of Labour for the fiscal year ending March 31, 1976.

Mr. Speaker: Motions.

Introduction of bills.

Just before the orders of the day, I should announce that pursuant to standing order 27(g), the member for Hamilton East (Mr. Mackenzie) has filed the necessary notice that he is dissatisfied with the answer given by the Minister of Labour on October 28 to his question concerning criteria for compensation to workers in sintering plants. This matter will be debated at 10:30 this evening.

Orders of the day.

PLANNING AMENDMENT ACT

Hon. Mr. Rhodes moved second reading of Bill 130, An Act to amend The Planning Act.

Mr. Cassidy: Mr. Speaker, we are going to support this bill because we welcome some of the provisions in it. I wanted to make one or two comments, however, and suggest to the minister that he should be talking with his colleagues in TEIGA, and also get some assurances from him about the speed with which the proposals in these amendments are going to take effect.

The main purposes of the bill are to provide for the delegation of certain ministerial responsibilities for severances into local planning areas in a territorial district and to newly created land division committees in unorganized territories, as I understand it. In addition, the bill also corrects or changes a judicial decision which overruled the power the minister previously had to make a zoning or land freeze order anywhere in the province. As I understand it, the court decision required that a notice be given before those zoning or land freeze decisions were made and this now restores status quo ante. That's how we read section 4 of the proposed bill.

I would remind the minister that when Bill 102 was before this House some time ago

regarding the creation of local government in unorganized municipalities, one of the major complaints that the unorganized municipalities had was precisely the fact that they would not gain power over severances and land division with the creation of the new form of local government involving proposed community councils. Now that 102 is down the drain, this bill answers that particular objection without providing them the local self-government which they so desperately wish to have and which they are still pressing the minister to provide.

In that, it's obviously welcome. However, we are concerned that in moving to respond to the alienation, particularly of northern areas of the province, the proposed structure still leaves an enormous amount of control in the hands of the minister. In particular, we are concerned at the fact that no changes are being made in the way in which planning boards and territorial areas are to be appointed. We are also concerned over the proposal that the land division committees to be created in unorganized territories will be exclusively appointed by the minister.

I would like very much to have some comments from the minister about the way that those appointments are going to take place. It seems to us that it would be a lot more desirable for those land division committees to be selected or to be appointed locally. They could be appointed by election or they could be appointed by various forms of town meetings, which I suspect could probably be held under the supervision of officials from the ministry, given the fact that the territories are unorganized.

[3:00]

The member for Lake Nipigon (Mr. Stokes) also suggested they could be done by the device of using the local roads boards which are, I think, the one elected body at the local area in unorganized territories. It does not seem satisfactory, however, to have these land division committees appointed by the minister with no local input. In fact, what seems to be happening then is simply the creation of a buffer to protect the minister, with no guarantee that local feelings and sentiments are really going to be adequately represented in making the decisions about severances and the other responsibilities under the section which come into these new land division committees.

We should like to have a statement from the minister to say when he intends to proclaim this particular section of the bill and how the government intends to see that the

land division committees are appointed and whether there are any intentions to change the way by which the planning boards are named because that is a problem as well. The member for Algoma (Mr. Wildman), who unfortunately could not be present for the debate today because of meetings in his riding, has raised with me the problem that the planning board in Sault North, which is one of the major areas that would be affected by these severance granting powers, is not adequately representative of many of the people who live in that particular area.

Hon. Mr. Rhodes: That was an election.

Mr. Cassidy: That was an election. I don't know if it was an election where tenants as well as owners could vote.

Hon. Mr. Rhodes: Everybody.

Mr. Cassidy: Certainly there is no question that the planning board in Sault North does not adequately represent the interests of the thousands upon thousands of people who live in mobile homes in that particular area.

Hon. Mr. Rhodes: There are not thousands upon thousands.

Mr. Cassidy: I believe that the minister would find that there were thousands upon thousands. Their interests are not adequately represented, and there is a feeling that the mechanism used so far is not yet adequate; so his welcoming of the delegation of severance-granting powers to the local planning board is tinged with regret at the lack of representatives of that particular planning board.

The other question that is raised in the bill, and I think one or two of our members may also wish to discuss it, relates to ministerial order. We have had a fair amount of discussion about this particular question because of the feeling we in the NDP have that normally arbitrary actions by government, be they by the provincial government or by the local level of government, should not be permitted. What the minister is proposing to do is to restore an arbitrary power which was diluted, as we can understand it, by the courts in the case of the Orangeville Highlands decision of February, 1975. I am grateful to the member for Riverdale (Mr. Renwick) for his legal erudition in giving me that particular citation.

However, on balance we believe that the minister has got to go this way and we welcome the fact that the right to go to the Municipal Board is guaranteed now rather

than being at the discretion of the minister. I believe the mechanism by which the Municipal Board is used here to conduct a ministerial inquiry probably is a foretaste of what we may get from The Planning Act review. I think it might be useful for the minister to state during the course of this debate what is happening with that review and how its recommendations will affect these particular amendments to The Planning Act.

With those comments and with some reservations about the means of appointment of these land division committees up in the north, we will support the bill.

Mr. Nixon: I believe that the main purpose of this piece of legislation is to correct a situation which was rapidly becoming another legal debacle as far as the Ministry of Housing and the planning authority enjoyed by the government are concerned. You are aware, Mr. Speaker, that for a number of years the powers to enforce arbitrarily ministerial orders, commonly called land freezes, have been very much a part of the planning decisions in a number of places in the province of Ontario. These powers have been exercised under The Planning Act in such a way that the Treasurer's predecessors, and now the Minister of Housing, were able in the exercise of their responsibilities to issue, like a bolt of lightning, an order freezing the land use in any area they so designated in its present form and, whether or not an official plan existed, taking away from local authorities completely the power to interpret the plan and to give severances and building permits on a central basis. In other words, in those areas which were frozen the total planning responsibility was centralized in the government here at Queen's Park. In the first instance it was in the hands of the Treasurer—at least the Treasurer's predecessors—and it now lies with the Minister of Housing.

There have been a number of complaints about the powers, really the autocratic powers, exercised by the various ministers under these circumstances. The one case in point with which I am familiar was the decision taken, I believe, by the former Treasurer, John White, to exercise ministerial planning prerogatives by ministerial order in almost the whole of the territory now making up the regional Municipality of Haldimand-Norfolk. It is not all involved but a good part of it was and still is.

At the time that freeze order was pronounced there certainly was no notice and certainly no hearing, and the powers which were taken by the minister on a temporary basis are now, three years later, still being

exercised. The hon. member who spoke indicated that certain court decisions relating to the minister's powers in this connection have called the powers into very serious legal question.

As a matter of fact, it is quite clear that unless the government acted as it does in section 5, the centralizing powers of freezing land use would be lost. Anyone who was aware of the court decisions in the Mono township situation involving Orangeville could really, in all good faith, go ahead and build a house without a building permit on land which is unsevered and, under the circumstances, there was nothing in the law to stop them.

It appears that in a number of areas of the province in some municipalities, people who are very much conversant with these changes were doing just that. I'm told that in the former town of Waterford a house is under construction without a building permit having been issued and that the process of winterizing cottages along Lake Erie, making them into permanent residences, has been going forward in spite of the planning regulations entered into by the municipalities before the minister's freeze and even now after the minister's freeze because they have been deemed to be illegal by court decisions taken in the recent past.

Frankly, I resent, to some extent, the minister introducing this piece of legislation and, in his statement on introduction, not bringing that to the attention of the House and to the people most directly affected. In my opinion, it would not be disastrous if these powers were not granted to the minister and it's quite possible that, with the component strength of the House as it presently is, these powers could be denied. If the minister did not have the power to freeze the use of land as he and his predecessors have exercised it, there may be those who would say that the planning process in some parts of the province would be chaotic.

Frankly, a good deal of criticism can be directed not at this minister but at his predecessors for perhaps not using these freezing powers in the previous levels of development, let's say, in the province when local planning authorities were almost non-existent. I suppose the case of Chatham is the most classic one where, without local planning authority, a very large new shopping centre was established just beyond the borders of the town which really in my view was not in the best interests of the overall planning of the area.

We don't have to go over the debate again because it happened in other centres but it seems strange that the former Minister of Municipal Affairs, the present Treasurer, under the circumstances involving the powers of land planning that he and his successors have used, could have allowed that to happen. So there have been occasions in the past when—from our point of view in opposition, with the information that is available to us—it might have been supportable for the central authorities to say, "We cannot allow, in the interests of an overall provincial plan, for such instances of development which we consider not to be in the best interests of the province or the community to go forward."

But things have changed quite dramatically since then, and I don't know of any area of the province where, if the minister did not exercise these—well, autocratic, personal, central powers of planning, the planning structures or the decisions would fall into chaos. Certainly in the case of Haldimand-Norfolk, where regional government was established three years ago, they have the very best, certainly the most expensive, planning experts and facilities there. Even before the freeze was imposed there were official plans, accepted and approved official plans in some of the areas, most specifically the township of Townsend and some other areas, and there were already zoning bylaws covering the whole area, and still the ministry feels that it must bring in section 4 and section 5 of these amendments, which perpetuates the centralized and autocratic imposition of central planning authority.

I wish that we could escape the continuation of those authorities. I would be very interested to hear the minister indicate to the House that he feels in all conscience that these special powers must be maintained. There is no doubt in my mind, that the provisions of sections 5—and this is really the heart of the amendments before us—are designed to save the minister from the errors perpetrated by his predecessor, particularly John White, in establishing land freezes which have now been shown to be illegal. Section 5, subsection 1 says:

No order . . . heretofore made in exercise of the powers conferred . . . is invalid by reason only of any deficiency in the making or bringing into force of such order . . . including the lack of a hearing at any time prior to the coming into force of this section.

In other words, this says "Whatever mistakes we made in the past, the Legislature

now says that what we did wrong is deemed to be right." I really hate to support that kind of a concept. I do not believe in centralized planning powers. I believe there was a real and immediate need for them up until maybe five years ago, and I would expect the minister to assure the House that for some reason it is necessary that these special powers be continued, because I would hope that it would not be necessary in the future for the minister or the Treasurer, who is by statute the chief planner of the province, to exercise or recommend the exercise of this kind of a usurpation of the planning authority of the local municipality.

It's quite tempting to vote against the whole bill on that basis.

Mr. Bullbrook: You betcha. You betcha.

Mr. Nixon: As has been pointed out, however, there are a couple of the amendments that, while they may be of only minuscule value, we don't want to oppose. We think that the land division committees or committees of adjustment—land division committees in this case—should be established in unorganized territories. I'm concerned that one of the sections calls for these land division committees to pay for their expenses and their own remuneration out of the fee collected by their activities. It sounds like we're establishing a police force in a tank town that pays their salaries by collecting fines. I don't like that approach. I see, of course, that there is a further section that will pay from the consolidated revenue fund whatever payments are needed, but I don't like the idea that we're going to encumber the fees taken in by such a committee with the need to use them to pay the expenses of the committee, because I think it can lead to abuse and almost, in fact, a kind of a conflict of interest.

The fact that the minister is now finding it unnecessary that the Municipal Board informs him of any application for a review or an appeal of a decision of a committee of adjustment or a land division committee is interesting. It's backed up by the fact that the Ontario Municipal Board will no longer find it necessary by law to inform the minister of decisions it makes.

[3:15]

It's interesting to ponder whether or not this means that the Minister of Housing, unlike the Treasurer, is not going to impose his views by letter on the Municipal Board hearings involved in any of these matters. But if he says that he as the minister doesn't want

to know about the meetings and doesn't want to know the decisions taken by the Municipal Board, it may mean that unlike the Treasurer, he is going to give up what the Treasurer considers his continuing responsibility to interfere, from his position of great responsibility and power, in what should be an independent hearing of the Municipal Board and which should, in my view, not be interfered with by the senior cabinet minister in this connection.

To return to sections 4 and 5, which in my view are the heart of this bill, I have expressed already my concern for retroactive legislation legitimizing what has been found by the courts to be illegal action. But I am also concerned that in more or less putting a veil of acceptance, perhaps, over this whole clammy business, the minister is setting out a somewhat slightly amended procedure for Municipal Board hearings to be held if someone objects to the minister's order. It used to be that he could order the board to have a hearing if he chose. Now he can still choose to do so, but if somebody wants one then he must order a hearing.

When you read the procedure, which is largely a duplicate of what is already taking place, the board must have the hearing, it can inform those people that it feels might be concerned, and the hearing is held under certain circumstances. Then it says in section 4(12):

At the conclusion of the hearing, the Municipal Board shall make a report to the minister, in which shall be set out the Municipal Board's findings and recommendations in respect of the application, and shall send a copy of the report to each person who appeared at the hearing and made representation on the matter.

That sounds great until you go to section 4(13):

After considering the report of the Municipal Board, the minister may either amend or revoke the order in whole or in part, or refuse to amend or revoke the order in whole or in part, and the decision of the minister is final.

Now really, you just wonder what the concept is. I know in The Pits and Quarries Act that the minister, who is concerned and under the law must concern himself in granting a licence for the opening of a new gravel pit or a quarry, can order a hearing. The hearing is held and everybody comes in with his legal counsel, and the technocrats and the experts. They thrash around for days and days and come up with a finding of the experts as to

whether the pit or the quarry should proceed and a licence be granted, and it's sent to the minister and he can do what he pleases. He can follow their advice or not and it is as if the hearing had never been held—except perhaps for the pressure of public opinion, and no one is prepared to underestimate those.

But surely there are sufficient safeguards if the minister makes an order—and I guess we are prepared to say that for a while yet he must have those powers, although I have very serious misgivings about them and continuing them—if someone objects he can order a hearing, and then the Municipal Board goes through this procedure of giving everybody—you can't call it a day in court, because nothing is decided there; it really is a facade and just a sham, that's all there is to it.

Mr. Singer: Good point.

Mr. Bullbrook: It is another day in court, right.

Mr. Nixon: The minister can write letters and say, "Oh yes, I'm going to order a hearing and you people are going to get in and you'll be able to have your say." Then the report comes to the minister and he can do whatever he wants with it. He can set it at the edge of his desk and say, "Well, I think I was right in the first instance and we're going to go forward."

Mr. Bullbrook: It's a slap in the face to the Ontario Municipal Board.

Mr. Nixon: I agree with the interjection from my colleague from Sarnia. It downgrades the responsibilities of the Municipal Board. It uses them for what I consider to be political purposes, to buffer the minister against the attacks that he should be receiving personally because all of the authority still lies in his hands. I resent that. I really think that is a misleading approach through the legislation.

But I would say to you, Mr. Speaker, if that section 4(13) were not in there and if a substitution were made so that the Municipal Board's findings prevailed, then if the minister felt that somehow justice wasn't done or that the grand Conservative plan for the development of the province, which we've been hearing about for years and haven't got yet, somehow was being abrogated, then surely an appeal to the cabinet could be forthcoming, and by reason of a decision of the whole council, which surely would show

the policy of the administration, a reversal could take place, and we as believers in the democratic system could not object. But this really is a sham and I am surprised that the minister would approve this sort of an approach.

The member for Ottawa Centre says he rather hopes that this procedure is going to become one of the basic reforms of the review of The Planning Act. My goodness, it seems strange that he would think that is a good way to proceed because it establishes a method for a hearing which is largely meaningless and certainly would tend to mislead the people in the communities concerned. They would think they were fighting the real battle when in fact they should be approaching the minister directly since under this amendment the full power is still held by the Minister of Housing.

So I certainly have expressed some concern in this. I believe that since it is before us—

Mr. Cassidy: You should oppose the bill.

Mr. Nixon: —in principle and deals with matters for establishing the land division committees in the north and so on, that it would be ridiculous for anybody to propose opposing that bill because of course there are some good parts to it. But we do have a procedure in this province and in this Legislature whereby these matters come before us again and we can deal with them more specifically. I can assure you, Mr. Speaker, that we will be offering amendments I hope along the lines to correct the criticisms that I have put before you at this time.

Ms. Sandeman: My colleague has already indicated that we would support the amendments introduced in this bill. Looking at section 32(5), the present section 4, I felt that what we are passing here is really a kind of safety net to be used only in emergencies, in situations where there are no official plans, or by total mishandling at a local level of the planning procedures or a total lack at the local level of the planning procedures the minister has felt he had to step in to put a freeze into existence while things were sorted out.

I think it says something about the present planning situation in this province that we have seen the minister and his ministry have to use this section so very often. I think, for instance, of a situation which the minister and I have discussed at some length, the situation in Cavan township, where a ministerial order is now in existence. Six or seven years ago there were lengthy discussions

in this House about what was happening to this rural township when the Whiterock developers moved in. Agricultural land was being taken indiscriminately for subdivision; urban park planning was happening indiscriminately in a rural area.

At that time, the ministry said it felt there should be proper planning in such an area and that it was the responsibility of the ministry to help municipalities to plan. Here we are six or seven years later in an emergency situation with a ministerial freeze in that township. It seems to me that as well as trying to improve the legislation around the ministerial freezes there has to be much more attention to overall planning in this province, land-use planning, designation of agricultural land and so on.

I am pleased to see, as my colleague pointed out, that there has been some slight improvement in the handling of the ministerial orders in the new section 9 where we find that now it is mandatory that people who object to the order go before the Ontario Municipal Board. The catch 22 in the way the legislation previously stood was that the freeze was imposed by the minister and the ministry and the review of the freeze in individual cases of hardship was by the same ministry. I think people felt that that was grossly unfair and felt trapped in a situation not of their own bringing about and from which they felt no immediate escape.

I wonder, when I look at the legislation as it stood before—I am sure people in Cavan Township and other areas across the province have wondered and have asked the minister—why he so rarely—certainly in Cavan Township never—used his option for hearings before the Municipal Board. There seems to be a certain lack of credibility when individual landowners who have been appearing before the minister and have claimed and, I think in many cases, proved considerable hardship because of the imposition of the freeze have not been given the possibility of making their case before the Municipal Board because the minister has not chosen to go that route.

At the same time they have seen the minister suggesting that other areas of that same township, which have good agricultural land, should be given up to subdivisions. There's been an enormous loss of credibility on the part of the minister in a situation like that. I imagine that the provision that these people may now go before the Municipal Board will bring a little more equity to the situation.

I wonder if the minister could address himself to the question of how long he expects

it to be before this amended section is proclaimed? If it is to be any considerable length of time he might consider, in the interim, acting under the existing section 6(a) to allow people who are currently bringing requests for amendments to the order to go now before the Municipal Board even before the amendment is proclaimed. The minister has the powers under the Act as it exists at the moment.

Mr. Singer: Mr. Speaker, this afternoon there were some questions addressed to the minister which, to say the least, were somewhat critical. Both the questions and the answers were critical of the performance of his department insofar as producing housing is concerned. It's my thought, having read some of the sections of the bill now before us, that if we pass them we are going to make it more difficult to produce housing or other kinds of development in the province of Ontario.

My colleague, the member for Brant-Oxford-Norfolk, pointed out his concern about some of the sections in this statute. I share that concern and I wanted to emphasize it perhaps in a somewhat different way.

As the minister well knows, I'm sure, under section 32 of The Planning Act as it now exists no ministerial order can be made if it is contrary to the official plan. However, it has been known that orders have emanated from his office, or the office his predecessors had before him, which were contrary to the official plan. What he's asking us for is a regularization of any and all mistakes which ever could have been made including orders which were contrary to the official plan.

I say that really is a negation of the process of justice in this province. "If I made any mistakes," says the minister, "in 15(1), let's forget about them because I'm bringing in a statute that's going to regularize anything which might have been done."

Mr. Nixon: It's 5(1).

Mr. Singer: I'm sorry; 5(1). "No order heretofore or regulation heretofore made in the exercise of the power conferred under 32 is invalid only by reason of any deficiency." Any deficiency—what does that mean? That means anything he's done wrong; it has to mean that. Any deficiency in the making or bringing into force of such order or regulation; in the making.

"I, the minister, make an order and it's contrary to the section under which I act but that's all right, the Minister of Housing comes to the rescue. I've got a new section,

section 5(1). I regularize any illegalities I may have committed before." Does that make sense, Mr. Speaker? Does that set him up as a tsar, a dictator, who can do anything he wants, whether we can find it in the statute or not? It's done, and the fact is it isn't going to be of any help, except it's going to show who is the boss, democratic process or not. Is that the kind of thing we want in our statutes? Surely not.

[3:30]

Let's look at the reasons we are here. One of the reasons, as the hon. member for Ottawa Centre pointed out, was the decision of the divisional court in the Orangeville Highlands case. I am sure the minister is familiar with the decision of the Chief Justice of the High Court, Mr. Justice Dalton Wells. He is familiar with the fact that a letter came to the minister of the day from the people who wanted to develop the land. They said, "We must respectfully insist that your ministry pass no zoning order with respect to these lands without giving our clients a hearing in this matter." Remember that? The minister remembers that. The minister acted, paying no attention to that at all; there was no hearing. Surely people with rights should be entitled to a hearing and a hearing that is meaningful.

What is his solution this time? It is this, there won't be a hearing but, if the appropriate steps are taken, we can ask the Municipal Board to sit and ponder and then give an opinion to the minister. Which is really not a hearing, because it is not decisive. What the Municipal Board then has to say is for the ear of the minister only, even though other people might be able to hear it, but it has no binding effect unless the minister wants it to have a binding effect.

In keeping with the delays presently existing in the whole development process, does the minister know what he is proposing? Does he know how long it takes to get a hearing before the Municipal Board when you want one? How long it takes to get those wheels turning, with notices, advertisements, applications and on and on? Does he know how long that takes? I have been through one recently. It took us six months to get on; when we finally got a decision and got an order, there was a mistake in it: they said Schedule A instead of Schedule B, and it took another six months to get that one mistake corrected. Is that the kind of thing that the minister is inviting?

Why should these developers have been denied a hearing? Why should they not have been allowed to come forward and state their position? That's what Chief Justice Dalton Wells said, and the two judges who sat with him. Surely that makes sense. It's the process of natural justice, and the minister is taking it away. He is throwing a sop to the people of Ontario by saying, "Well, we can ask the Municipal Board to have a hearing and they can come to a conclusion, but it is only for the ear of the minister who may or may not like it and that's the end."

Why involve them at all? If the minister's decision is going to be final, why doesn't he say so? I don't think his decision should be final and my colleagues don't think it should be final. Why is the minister afraid to trust the Municipal Board? Or is he just throwing in another delay procedure in figuring that by the time all of these processes have been gone through, the poor person who wants to develop the land will have exhausted his financial resources and his patience and gone, like Cadillac-Fairview have done recently, to California, to Maryland and to Massachusetts, where they are putting their money to develop land in those jurisdictions because they can't get land reasonably developed here in the province of Ontario? The minister is setting up so many roadblocks that he is driving developers out. That's one of the main reasons why there is a housing crisis in this province of Ontario.

If there was a procedure whereby the Municipal Board could make a decision, surely that procedure and the appeal provisions under section 94 of The Ontario Municipal Board Act would allow appropriate reviews. I don't know whether the minister remembers the provisions of section 94, but it says that upon a petition of any party or person interested, filed with the clerk of the executive council within 28 days after the date of any order or decision of the Municipal Board, the Lieutenant Governor in Council may vary, confirm or rescind the decision that has been made. It's the appeal provision. Why is the minister afraid of that? He doesn't even trust his cabinet colleagues apparently. He just wants to take the power entirely unto himself.

Mr. Nixon: He knows them better than we do.

Mr. Singer: Yes. So what have we got? We have got this obnoxious—

Mr. Good: He has some poor advisers, that is what he has.

Mr. Singer: —this horrible section 5(1) that says no matter how illegally the minister may have acted in the past we are being asked now to pass a section that is going to regularize it.

We have another section that throws a sop at—well, at the poor, ignorant people of the province of Ontario saying, "Oh well, since the divisional court said we shouldn't deny people natural justice and we should have hearings and notice and so on, we will give them some kind of a hearing." We will let the Municipal Board sit, go through all the notice of procedure and all the advertising and all the formalities, and they will listen and then they will give an opinion, not to the world, not an opinion that is binding. They will give it to our good friend the minister who may accept or reject it. End. Finish.

I don't know why we need a Municipal Board Act, a Planning Act, a Planning Amendment Act. Why don't we just have one statute which says the minister can do anything he wants about planning and development? It would make it much simpler. But if we are going to have some kind of democratic and intelligent and useful process, surely to goodness the minister must recognize that he is not the tzar, he is not the dictator, and that people of this province have some rights?

Over and above all of that, if we are going to get on with the development process there must be some reasonable way of bringing these matters to a somewhat timely solution.

Those are the reasons why I find it most difficult to support sections 4(12) and 4(13) and section 5(1). There are some ideas in here, and there is some reason why the minister should be concerned about what the divisional court has said. I note with some interest that the minister wasn't advised, or if he was so advised he didn't take the advice of his legal advisers and go from the divisional court to the Court of Appeal. So between them all they must have come to the conclusion that what the divisional court said was right. They didn't have the nerve to take it on to a further appeal themselves.

Mr. Nixon: You know their record on that.

Mr. Singer: So when they are wrong, what do they do? They bring in a more obnoxious statute. Let's correct it—that is the way—let's correct it and make it even worse than it is,

and let's even take out the protection that is presently in there. If there is a ministerial order that is contrary to the official plan and is no good, we will even rectify that.

I would urge that the minister take those three subsections back to his advisers and consider how terrible they really are and bring us back something more logical and more democratic, so that when there is a right there can be a hearing and before an arbitrary decision is made the people who are going to be affected by it have certain levels of appeal in a public way with full notice, so that they will be appropriately dealt with. For goodness sake—and I can't resist this one last word—for goodness sake let's not throw any more systems and methods and complications on the planning system that is going to further delay development. We hear from the minister and his colleagues day after day, "We are going to whip away the red tape." Now we have another statute full of red tape.

Mr. Swart: I was going to make the comment when I rose to speak, prior to hearing the member for Wilson Heights, that there seemed to be a great deal of unanimity on this side of the House all the way along with regard to this bill. However, I certainly must dissociate myself and my party from his comments and his concerns about the developers being so hard done by on the part of the government of this province.

Certainly there are a great many delays caused by the legislation in Ontario with regard to development, but I want to point out that those are caused by the confrontation process between the municipalities on the one hand and the developers on the other, because the developers are trying to get every last dollar out of the development.

The answer is not to lessen the legislation which gives authority to the municipality to wage that battle. The answer, of course, is to remove the confrontation to a very large extent by some form of public land development and let that set the criteria, as is done in Red Deer, Alberta; Saskatoon, Regina and elsewhere, where the length of time for development from the time the raw land starts to be developed until it is on the market is about one-third to one-half of what it is in this province. That's just an aside, Mr. Speaker.

I do want to say to the minister that I really think he should take into consideration the comments in general which have been made from this side of the House, and bring in recommendations to certain parts of Bill 130. It seems to me the recommendations for

amendments from this side of the House have really said to the minister that we think the public should have more rights. Particularly in regard to the disadvantage of the public at the present time in having input into planning and recourse to appeal in planning, the public should have more rights. Certainly I think it's possible to write into this first section of the bill a procedure where there would be consultation with communities in unorganized areas so that they would have some rights in determining who should be on the planning board in their areas or the land division committees in their areas.

I am also inclined to think, in spite of the court decision, with the order changes that have been made in section 4 of this bill, that the bill doesn't need to say that no notice or hearing is required prior to the making of an order. Certainly, generally, and I'm sure the minister would agree with me, there is value in consultation before an order is made. There are times when you have to move in, and I think rightly move in quickly on behalf of the public, but where you are making orders in northern Ontario where they have no organized communities, or in a great many places, there surely is room for a large degree of consultation ahead of time. I would ask that the minister consider removing that rather obnoxious sentence to many people in section 4 of this Act—which, of course, is section 32(5)—and find some wording which is, I think, generally more acceptable to the public and doesn't, in a prior way, remove the rights that really they should have and think that they are entitled to.

Of course, it has been mentioned I guess by almost every speaker with regard to sections 4(12) and 4(13) that in the areas where the minister makes a ministerial order, first of all there are some rights and privileges taken away from those people by the very fact he makes a ministerial order, and then subsequently he's not giving them the same right of appeal as he is giving the people in the organized and the more sophisticated municipalities. Oh yes, they have the right of appeal, of course—he's given that to them through the Ontario Municipal Board—but the Ontario Municipal Board doesn't have the right of decision. All it can do is recommend to the minister. Surely the Municipal Board there should have the right of decision, the same as it does in appeals from the municipalities that have official plans and all of the other municipalities in this province.

[3:45]

I suggest to the minister that there are some pretty really serious contradictions in principle to which I would subscribe in this bill. First of all he interferes, in some instances rightly so, but I say unreasonably so by this bill in some areas in what may be very small matters, certainly in the north. When it comes to such things as giving guidelines to regional councils for their official plans the minister won't provide them; even on the second request he won't provide them. That's really where the authority should rest.

We have the contradiction of interfering in very small things but when it comes to the major things, the planning of land use in this province, the minister opts out of that but that's really where his responsibility lies.

Secondly, I say that with the principle here, those who have few rights now—we shall see even in this bill—will have fewer rights in the overall appeal procedure.

I think the minister can change this bill so it will be satisfactory to all sides of the House and I urge him to do so.

Mr. Bullbrook: I want, if I may, without being provocative—

Hon. Mr. Rhodes: Pick your own lines.

Mr. Bullbrook: I've heard that line somewhere before. I'm really astounded that the member for Ottawa Centre had so little to say about this legislation. I think it has far-reaching implications. I'm glad that some of his colleagues have been able, after my colleague from Brant-Oxford-Norfolk had pointed out the deficiencies in the legislation, to see the basically insidious aspects of this.

This is nothing but semblance on the part of the minister. What he is trying to do in connection with the Orangeville Highland case is dissemble a degree of natural justice which doesn't exist.

I'm not going to deal with the other principles of the bill. It's the principle of the bill which was dealt with by my former leader that I'm vitally interested in because it leads into considerations which deal not only with the right and duty of the Minister of Housing (Mr. Rhodes) but also the right and duty of the Treasurer of Ontario (Mr. McKeough) as the superplanner for Ontario, and many things which are going on in my community at the same time.

I think, really, to assess the implications and the propriety of what's put forward, one has to reach out for the fundamental concept of what planning is all about. I

believe in the premise that when a person owns a piece of land, the person who owns the piece of land should be able to do with that land that which he wishes to do, subject only to the common good.

That's all that planning's about, really. For the common good. The protection of society as a whole, the protection of the values of the community—that's what planning is all about. Two hundred years ago we had no planning per se. We've evolved a system over the past five decades of the protection of the public good by vesting in municipal authorities the right to say to an individual, "No, you can't do that which you wish with your property because we feel it would be unfair or obnoxious to your neighbours or to the community as a whole." That's the fundamental.

The fundamental was that the individuals in that area would make a judgement as to what was in the best interests of that community or that area. Eventually the final decision in that respect was vested, under the Act, in the municipal elected officials. They developed committees of adjustment. They developed, afterwards, land division committees. They developed planning boards—all emanations of municipal councils and all basically subject to the final will of the elected people.

I say frankly this is the essential problem that I face constantly in trying to make value judgements with respect to planning. Should it be the elected people who make the ultimate decision or should it be appointed people? Frankly, I say that I come down unequivocally on the side of the elected people.

When we look at section 94 of The Ontario Municipal Board Act, that's why it's there. If we look at the functions of the Ontario Municipal Board—I won't read them in total detail, they're listed inter alia in section 36—they say the board has jurisdiction and power:

- (1) to hear and determine all applications made, proceedings instituted and matters brought before it under this Act or any other general or special Act, and for such purpose to make such orders, rules and regulations, give such direction, issue such certificates and otherwise do and perform all such acts, matters, deeds and things as may be necessary or incidental to the exercise of the powers conferred upon the board under such Act.

Throughout it gives power to the Ontario Municipal Board to do some things. That's

the function of the Ontario Municipal Board. On the one hand, you have the common good; on the other hand, you have the individual applicant.

The decision is made with a right of appeal to a quasi-judicial body, the Ontario Municipal Board, who sit in effect as a court making a decision. But superimposed upon that objective evaluation of the righteousness of the decision by municipal council or planning board, subject to that objective evaluation it's always the right of the citizen to go to the Lieutenant Governor in Council, namely, the ultimate authority, elected by all the people of the province. And that's what I think is fair. It's ultimately fair.

It's not the exercise of an absolute discretion by the Ontario Municipal Board as appointed people. It's not the coming to a conclusion by the Ontario Municipal Board exercising its judicial function. It's eventually the supreme legislative and governmental body making a judgement in the best interests of the people as they see it. You don't do this here. That's fundamentally what the member for Wilson Heights was talking about and that's fundamentally what we don't want.

We feel that you should not have the absolute discretion to make a judgement. We say there is nothing wrong. We say in effect it's a charade. I think that's the word my colleague used. It's a charade and it's a denigration of their function to say that the Municipal Board shall have a hearing and make a recommendation and then to litanize in section 5 (1) all the things the minister can do with it—revoke it, change it or disregard it. That, to me, frankly, is not in the best interest of what the Municipal Board is all about.

I wonder to myself, frankly again, whether we're not involved truly in a larger charade when we talk about the holding of the hearing itself. It's absolute to read in the statute that the minister can do what he wants to, no matter what the recommendations are. But I want to read some correspondence if I can where the Treasurer of Ontario deals with his function with respect to planning.

It's in the area of Sarnia, and it's right on the principle here because it's a question of the exercise of the Ontario Municipal Board and the function of government. I premise it by saying that ultimately the Treasurer of Ontario and his cabinet colleagues should have the right to make the decisions. Ultimately, if my leader became the Premier of Ontario and I were a part

of his cabinet, I'd want to reside in us the right to make that decision because we're elected to make that decision.

In Sarnia, as in many other communities, our downtown area can only be regarded as a cancer, and something has to be done about it. It's common knowledge that there must be redevelopment, and I compliment the government in its new initiative in assisting with the respect to some type of urban renewal programming. But even evaluating that programme, one recognizes the government wants its money back, and rightly so. It's a temporary loan in effect. How do you get your money back? You get it back because of economic viability. Because you build the development, you lease it and you bring people downtown. As a result, you generate the profit by which you can repay the municipal and provincial governments under the programme.

What's happened in Sarnia is that a huge shopping centre in Sarnia township—and I'm sure this might well happen in Sault Ste. Marie too, but certainly it's not unique at all to Sarnia—is being further enlarged to such an extent that the cornerstone of any development downtown in Sarnia is taking place in Sarnia township. I wrote a letter to the Treasurer. I must say before I read the letter that what we've had is a Hedlin-Menzies study—I don't know whether you realize it but it's a study primarily generated by provincial funds—looking into the whole question of amalgamation in our areas and what's in the best interest of the Sarnia area. On July 28, 1976, I wrote to the Treasurer as follows:

I am informed by the solicitor of the city of Sarnia that a resolution has been adopted by the city of Sarnia to take formal objection to the expansion of a general commercial zoning in the township of Sarnia. This, to my way of thinking, is the ultimate result that many, including yourself, have seen coming for several years.

I, as the member for both areas, understand the state of extreme and justifiable concern for the expansion of satellite commercial facilities in the township—this coming as it does at a time when the area's most pressing need is the revitalization of the city's downtown core. I understand also the natural desire of the township of Sarnia to attempt to equalize their assessments through additional commercial activity. The latter indeed is not blessed with a strong industrial assessment base. However, the

time has come when the studies that have been undertaken must be practically implemented. The Ontario Municipal Board, with the greatest respect, should not be placed in the position of having to decide this Solomon-like problem. I request initiative by yourself and, under your direct guidance, with all the support that I and our colleague, the Hon. Lorne Henderson, can give—

Mr. Nixon: Bring out the big guns.

Mr. Bullbrook: God bless him. It goes on:

—to look at the necessary amalgamation required in our area. Another level is not needed, Mr. Minister, but I feel frankly that those elected in both municipalities can rationalize the eventual needs of the area.

I received a response to that letter from the Treasurer of Ontario, dated August 25, 1976. I am not going to read it in too much detail. Suffice to say—

Mr. Nixon: Is it a “dear Jim” letter?

Mr. Bullbrook: As a matter of fact, he used to call me “Dear Jamie” and he now refers to me as “Dear Jim.”

Mr. Nixon: Could be worse.

Mr. Bullbrook: I don't know whether it's a result of maturity on my part or coolness on his, but in any event this one is headed “Dear Jim.”

What he says, in effect, is that the Ontario Municipal Board will make this decision and they will do it on the basis of proper planning and land-use evidence as given to them. The interesting part of it is who got the copies of this letter. It is directed to myself, with a copy to the Hon. Lorne Henderson, Minister without Portfolio; Warden D. L. Williams, chairman of the Sarnia-Lambton Steering Committee and—get this—Mr. W. Shub, chairman, of the Ontario Municipal Board.

Mr. Singer: “Here are your marching orders.”

Mr. Bullbrook: In other words, the Treasurer of Ontario is sending through to the chairman of the Municipal Board—I hadn't copied him at all; I thought it was highly improper for me to do so. The Treasurer of Ontario writes this letter, which says these are the things that should be done in our area based on these criteria with respect to land use, and he takes it upon himself to

send a copy of that to the Ontario Municipal Board.

Mr. Nixon: It is like phoning up a judge.

Mr. Cunningham: It's worse than that; he does it all the time.

Mr. Bullbrook: I read that to you, Mr. Speaker, because the Treasurer has an ultimate function to perform there. He does. But surely it is a political function. As the Minister of Housing would know from his experience, one doesn't decide matters of that nature solely on the basis of proper land use. One must take into consideration the questions of balance of assessment and provision of services as well as questions of economic vitality. Those are the things that are important. And ultimately—it has been done in a regional government—the cabinet has to do it with respect to the use of peoples' land. That basically is why all of us in the Liberal Party rise here and say we find this completely offends us.

We say that the minister can undertake what he wants to without going through the semblance of undertaking what he wants to. Because the courts have said there has to be more than just a decision by the minister. There has to be a hearing. And a hearing of its very nature envisages a result. That's what a hearing is all about. A hearing is for somebody to listen to arguments and evidence and come to a conclusion. That's the basic failure in this. The function of the Ontario Municipal Board in undertaking a hearing is, as I have read in one part of section 36, to make such orders and directions as are necessary based on the evidence put before them. And my colleagues all, as one, say that's the way it should be.

[4:00]

We say, in effect, that if the minister must transfer to himself, as is needed from time to time, the ultimate decision-making apparatus, rather than it being at the local level, then he must retain the same responsibilities and be subject to the same strictures as a municipal council or a municipal planning board in making those decisions. We say, in effect, that if the minister is correct in coming to a conclusion that the Ontario Municipal Board itself was incorrect in making a judgement or order to which he is a party, then he, as any other citizen of Ontario, being an interested party under section 94, has nothing to do but invite his cabinet colleagues to reconsider, as they would in every other planning matter under The Planning Act.

Mr. Nixon: The more I hear these arguments, the more I think we will oppose it.

Mr. Good: Mr. Speaker, I'd like to add a few words to what has been said. I think the concern of this party has been very ably and amply expressed on the matter, but I'd like to first deal with some of the other things in the Act. The consideration of the minister receiving notice of every appeal before the OMB from a land division or committee of adjustment hearing will no longer be required, nor will the minister have to get copies of the decisions of every land division committee and committee of adjustment, I think those are good. They're streamlining the system to a minor degree.

Back in 1973 we passed legislation whereby the minister could delegate authority to the local municipality of the regional government in relation to subdivision plans of approval and that sort of thing. Not too much has happened. I know the authority has been delegated to certain regional governments, but from what I'm told up to now there hasn't been very much use of those authorities in our area because there haven't been that many new subdivisions brought in recently under the new criteria.

We would hope that many of these instances where authority is delegated would streamline the system to some extent and relieve the minister of interference, because if we have the controls of the committees of adjustment, the land division committees with powers of appeal to the OMB and appeal of an OMB decision to cabinet, we feel in this party that that is a good and proper procedure, one which safeguards the rights and puts the ultimate responsibility at the political level and the cabinet or Lieutenant Governor in Council as a whole, and with this we'd agree.

But getting to the other section of the bill, section 4, which deals with the problem which has arisen by the powers that the minister has exerted under section 32 of The Planning Act dealing with ministerial orders, we find under section 32 that when the minister does make a ministerial order he can make it on a variety of premises. On anything on which a municipal council can pass bylaws under section 35, the minister can make an order of—and this covers a wide variety of things; the use of land, the construction of buildings, pits and quarries, density, the erection of buildings and all this type of thing. Now when the municipal council passes bylaws dealing with those matters, it has a specific and regular procedure to apply and it has to follow that

procedure; and that procedure is as we have said—there is a case for appeal to OMB and on up to the cabinet if required.

However, the ministerial order section under 32 in the old bill is the one that was found deficient by the courts in that natural justice was denied to people in these areas where ministerial orders had been imposed. We recognize the need for ministerial orders, and I think it has been pointed out by previous speakers that while they should not be required if the planning process had been developed in the past 10 or 15 years to the point where it should have been, but because of such things subdivision control came into many parts of southern Ontario as recently as five or six years ago and official plans are still lacking in many, many parts of the province. In fact, only a small portion of the province has official plans completed. Every day we run into situations where the minister uses his blackmail methods and says, "We will allow no further development in that area until such time as official plans have been completed."

We have been saying for 10 years here that if these municipalities had been given some financial assistance—and thank goodness they are getting more now than they did 10 years ago—and some incentives, there would have been more planning done at the local level. There would have been official plans and there would not have been the necessity for as many ministerial orders. But where ministerial orders had been placed on these areas, the minister did have a procedure which he had to follow. There is nothing of course which said the minister had to allow for an OMB hearing. It just said that under 32(6)(a) the minister may request the OMB to hold a hearing upon the application where they wanted a change from the order.

The amendment to the Act says the minister may request that OMB hearing or he shall upon notice of an objector to the order then request the OMB to have a hearing. We have no quarrel with that. We think that is probably put in there now to overcome the objections of the court to this ministerial order section which, as I understand it, was ruled to deny natural justice in these areas where ministerial orders had been put on. The point has been well made. We do not think the minister is making any improvements whatsoever by being required to hold an OMB hearing now, if there are objectors, whereas before he only had to do it of his own initiative. But it has not improved the situation when the minister is given the authority to completely disregard the OMB

hearing when it comes up with its final recommendations.

This happened not long ago in the region of Cambridge in regard to a hearing before the OMB on an opening up under The Pits and Quarries Control Act. The OMB decision definitely said there should be no instigation of a gravel pit in that area. The minister ruled against the OMB decision and allowed the licence to be issued. This is the point we are getting at. The ministry has a procedure of appeal, an appeal from the OMB hearing to the cabinet. We agree with this and certainly this should be the procedure and nothing less than that under these amendments.

As has been said before, the minister is going to have to do something with subsections 12 and 13 of the Act which make the OMB hearings nothing more than a sham, just something to be able to satisfy the minister's own self by saying: "We had an OMB hearing. I will read what they had to say but I still have the right to do what I want." We don't think that's good enough. If one person is going to be the chief planning officer at the local level, I think he then should be responsible to the people, to the OMB, the same as the local people have to be through their process. That is our objection to that thing. I think the minister can come up with an amendment to this section which will satisfy that condition and then we will all agree that justice will have been done.

Mr. Mancini: I am pleased to speak on this particular bill. There is one section that concerns me slightly. It's section 6(11).

If I understand this correctly, it says here that basically the minister is going to have the right to decide which municipalities are going to send their approved applications of severances and which ones are not. I was wondering what criteria the minister was going to use which would require certain municipalities to send in their applications of approved severances and which municipalities would not. We, in the southern half of the county of Essex, I might add, are greatly concerned and many times disturbed by the actions of the ministry. When locally-elected officials have taken steps to appoint planning boards and to appoint committees of adjustment and they make a decision which they feel is good for their particular area and they approve these decisions, they send them down here to Queen's Park, to the powerful hand of the bureaucrats. They know this is not a good move for the local area and things seem to get held up for six or 12 months at a time. Personally, I feel the minister should take the

attitude that if an area has its own planning board and its own committee of adjustment, it should be able to take care of its own problems.

That is all I would like to say.

Mr. Renwick: I have one brief comment to make particularly on the provisions of section 4 and section 5 not for the purpose of extemporizing about the matter but to have the record clearly show the very limited amendment which the minister made to the statute for the purpose of overcoming the decision of the divisional court in the Orangeville Highlands case in 1975. I want to quote the two paragraphs which obviously attracted the attention of the legal talent in the Ministry of Housing, in order for them to prepare the minimum amendment which would overrule that judgement, to nullify its effect insofar as any other cases were concerned. Presumably the ministry's hope is that that will solve the problem which caused the divisional court to give its judgement adversely to the minister in 1975.

The power invested in the minister is contained in section 32(1)(a) of The Planning Act which provides that the minister may, by order with respect to any land in Ontario, exercise any powers conferred upon councils by section 35 without the approval of the Municipal Board. His order, of course, violently alters the right to use the land as proposed. Though it is alleged by his counsel that he had complete power to act as he did it is not the ministerial power he is exercising but the power of a municipal council. He, therefore, comes under the principles that were first enunciated in this court in the case of Zedgoviz and town of Brampton in 1972.

On appeal [talking about that decision] the court took the view that it was not necessarily applicable where there was an additional appeal from the bylaw passed by the municipality but otherwise there was no quarrel with the practice laid down by the court in that case.

The general principles enunciated there, I think, apply in this case to the minister's order.

In order to overcome the problem of whether or not there was some appeal from the decision the minister changed the word "may" to "shall" in the appropriate subsection of the bill, or what will now become subsection 9 of section 32 of The Planning Act. I assume and expect that in all likelihood that is effective to accomplish the purpose of the ministry.

It gives us concern—it gives me in particular concern, of course—because it then proceeds, in section 5 of the bill, to validate the existing orders or put them in a position where they cannot now be challenged in the same manner that the order was challenged in the Orangeville Highlands case—but, of course, without affecting any of the cases presently before the courts or the decision in the Orangeville Highlands case. That kind of validation provision gives everyone concern but I think in this instance we must accept it because of the overall purposes of The Planning Act to plan adequately the land use within the province of Ontario.

[4:15]

Some of the members who spoke for the Liberal Party in this debate have made a great point that the decision of the Ontario Municipal Board, if a matter goes before that board for a proper hearing, should be the end of the road and that the minister should not have the power, after considering the report, to alter in any way the decision of the Municipal Board.

I think it is misconstruing the process which is embedded in the statute and was embedded in the statute in the sense that it was there before the Orangeville Highlands case, apart from the obligatory nature which is now going to be in the statute. I think it misconstrues it to say that the minister can ignore the decision of the board, or that the minister can do whatever he wants, or as my friend, the member for Wilson Heights (Mr. Singer), indicates, that all we need is a statute thing, that the minister can do whatever he wants with the land in the province of Ontario. And if the minister doesn't understand, I'm sure he does understand that he must consider the report. He can only, in the light of that careful consideration of the report, make a decision which would in any way effect the decision of the Municipal Board.

We in this party don't object to that provision. We think that the public interest, at this point in time in the province of Ontario, requires that the public interest in land use should be a matter ultimately, after proper hearings and after due consideration, of policy in the final analysis. They must be political decisions in the sense that they must be decisions of the government which must and can only be dealt with in the overall policy of the government and the way in which the people of Ontario accept that policy at the polls when and if, as occasion may require, there is recourse to the electorate.

I do not think it is possible to make the argument that you can require the government to have the responsibility for its land use policies as a matter of policy on the one hand, and then suggest that provided the government has given an opportunity to hear fairly and properly both sides to any given issue, if occasion should require that to be done, that it must then of necessity accept as final the decision of the Ontario Municipal Board. If I thought that was essential, I think I would have left the matter for the court and let the court's decision to have been final in the circumstances.

But I do want to say that if this distinguishes the New Democratic Party from the Liberal Party in the area of land use planning in the province of Ontario, well, so be it. I would be very much concerned myself if, in fact, the ultimate responsibility for land use policy in the province of Ontario rested anywhere else than upon the government of the day and in this particular case, so far as this ministerial act is concerned, in the Ministry of Housing.

Mr. Singer: Did you not hear section 94 of the OMB Act?

Mr. Renwick: In substance, what we are saying is that so long as there is a proper hearing, so long as there is then adequate consideration by the minister of the results of that hearing and he acts in good faith and not frivolously—because he must, of necessity, act in good faith and not frivolously in the matter—he then comes to a decision either to confirm what the Municipal Board decides in the particular case or to alter it and exercise his own responsibility in that area, then we, at this particular point in the history of Ontario, cannot possibly see that it can be done in any other way.

I think it's fair to say that were we, if the occasion should require, to have responsibility for land use planning in the province of Ontario we would want to have the powers to decide that policy and to implement it and to stand or fall at the polls on the question of it, and we would not in any way want to escape that responsibility by suggesting that in some way basic decisions with relation to land use should be delegated in some way to the Ontario Municipal Board as the final resting place for those decisions.

If I clearly understood the members who spoke for the Liberal Party, I wanted to state the position of this party, and as I said, if that is different from the position of the Liberal Party, well, so be it.

Mr. Singer: Some day you should read both The Planning Act and The Municipal Board Act.

Mr. Grande: In one day?

Mr. Singer: Maybe one day he will, before he makes a speech.

Hon. Mr. Rhodes: Mr. Speaker, let me begin my remarks by saying that as far as I am concerned. I would much rather that there be no such thing as the minister's zoning orders at all in the province of Ontario, because in order to accomplish that we would have a very effective planning process and a plan in place over most, if not all, of this province.

The question of having the zoning orders is one that has certainly bothered me, and I think most members of this House know the reason for the zoning orders in the first place, because of the fact we—as has been pointed out quite accurately by members opposite—do have many areas in this province where there are no official plans or bylaws and as a result, in an effort to have some control over what would be happening in the fringe areas around some municipalities and in other areas of the province to make sure that there was no uncontrolled development or development that would not be, as was expressed by the member for Sarnia (Mr. Bullbrook), in the common good.

Much has been said about the move to plug the hole, if you will, that was created as a result of the court decision and it's been referred to—the one in Mono township. There was another one that gave us some reason for concern and that was the one in Timmins; a decision that was made there. Both of them really are different circumstances as they related to their decisions, but as I read both of the decisions it seemed to me—and I don't want to be provocative—

Mr. Singer: You left your badge on.

Hon. Mr. Rhodes: —that the decision in both cases, as I read them—and I am subject, of course, to others more learned in the law—did not seem to say that the particular section of the Act was illegal or that it was wrong. It seemed to me that they took a specific case and dealt with the circumstances on that specific case, but I think reasonable people, upon reading those decisions and seeing what was happening, would have to take the steps that I suggest be taken in this amendment in order to avoid any of these uncertainties.

In the case of the Mono township decision, that was a case where, as was properly drawn to our attention here this afternoon, a letter had been written to the minister requesting that a hearing be held. The minister of the day decided to ignore that request and proceeded to impose the order, and that did not sit well with the courts and with the decision. In the case of Timmins, the order was even found to have been imposed as a direct effort on the part of the minister to, in fact, prevent what was already in the process of happening. It was an after-the-fact sort of thing.

With respect, I don't believe that the courts actually found that this particular section or the actions under that section were illegal. They have, in my opinion, cast some shadow on the effectiveness of that section and that's why I'm before you today—

Mr. Singer: Oh yes. Oh yes.

Hon. Mr. Rhodes: —and that's why I'm here today with the proposed amendment.

Mr. Good: But you want to change it.

Hon. Mr. Rhodes: Yes, I think it's only right because there's no point, I suggest, and I would hope that some of my friends who are in the legal profession would agree, that we would not want to clutter up courts with continuing cases like this, that we have much more important things to deal with—

Mr. Singer: That's why you should have a simple statute.

Hon. Mr. Rhodes: —and we can certainly do this in the proper way.

It's been suggested that the procedure that is proposed in the section as it relates to the hearing before the OMB and the fact that the final decision rests with the minister are wrong, and that in fact it should go directly to the cabinet for a full cabinet decision if an appeal is filed.

Mr. Singer: If there's an appeal, yes.

Hon. Mr. Rhodes: But I think that flies in the face of what the member for Wilson Heights said, and that is that we should be doing everything we can to speed up the procedure of allowing things to happen if they can properly happen.

Mr. Nixon: That's right, Mussolini kept the trains running on time. A dictator can speed it up.

Hon. Mr. Rhodes: I honestly believe that the hon. member for Wilson Heights would

have to agree that going through the process of an OMB hearing, having an appeal filed, and having it go directly to the cabinet certainly is not what you would call the most speedy process in the world, and that we really wouldn't be speeding anything up by going along those lines.

Mr. Singer: You're not speeding it up the way you are doing it now.

Hon. Mr. Rhodes: By having it come back for a final decision by the minister, I think that accomplishes what the hon. member for Sarnia said was important to him and I think to all of us—that is that the decisions be made by the elected people. I'm really not a great fan of allowing the Ontario Municipal Board to make final and absolute decisions that are binding on all parties. I never have been, I never have been.

Mr. Singer: Subject to an appeal.

Hon. Mr. Rhodes: I feel there has to be an opportunity for the elected people who are accountable to make those decisions. I suggest to the member that by it coming back to the minister for the minister's decision, the minister remains accountable. He still has to make the decision, that decision is known and he's accountable for it. I have never noticed anyone in this chamber ever being shy about suggesting to the minister that he be accountable to the other members of this House. So I don't think the member is losing anything there. I don't believe it's really a sham, or that it's right to say that it's a sham, because we are in fact giving an opportunity for a hearing.

Mr. Singer: Could I ask the minister a question?

Hon. Mr. Rhodes: Sure.

Mr. Singer: Does it make sense that the bill has the minister accountable only under section 32? If the minister wants him to be as accountable as he's saying, should he not be accountable throughout the whole scheme of The Planning Act, and not just under 32?

Hon. Mr. Rhodes: Mr. Speaker, I'm not going to get into that particular area at this time. I was asked a little earlier in this discussion—I think by the hon. member for Ottawa Centre (Mr. Cassidy)—what the status was of the Comay report as far as The Planning Act was concerned. That study will be completed this fall. We should have it in the hands of the printer this fall and I'm hoping to have it into the hands of the public by January at the latest. There has

been some delay due to the illness of Mr. Comay, but otherwise it's moved along very well. Some of those matters I'm sure will be dealt with in Mr. Comay's report.

I want to touch upon the fact that it was suggested in the discussion that the minister would already have made up his mind, and that despite having the OMB hold a hearing and make a report back to the minister, the minister had already made his decision earlier by imposing the order. It's really not necessarily so in the case of a request for an amendment to that particular order, or if it's in fact to revoke the entire order, because I think the members could appreciate that you are not always fully aware of all of the circumstances on every piece of land in that particular area. If a person does in fact appeal to the Ontario Municipal Board and wishes to be heard, many circumstances and details of that individual's property would be brought forward that the minister would not be aware of at the very beginning. I would hope the minister would be open-minded enough, whoever he or she may be, to make the decision properly based upon the common good, and upon the facts as presented by the Ontario Municipal Board at its hearing.

Mr. Singer: It's always been a great principle of justice to appeal from Caesar to Caesar.

Hon. Mr. Rhodes: Well, if Caesar is a compassionate person—

Mr. Singer: Oh yes, so are we all.

Hon. Mr. Rhodes: I suppose it depends really what political stripe Caesar happens to be wearing. I suppose that would be entering into the conversation too.

Mr. Swart: At any particular time it changes.

Mr. Singer: Well, you have got good allies; Renwick agrees with you.

Hon. Mr. Rhodes: Mr. Speaker, in regard to a comment made by the member for Wilson Heights—and I would like to correct any inconsistency in this area—to the best of my knowledge, zoning orders have not been placed on those areas contrary to an official plan.

Mr. Singer: I can show you one and I am sure there are more.

Hon. Mr. Rhodes: If the member can, I would like very much to know that, because I don't think that should be done.

Mr. Singer: I had it taken off after I brought it to the ministry's attention.

[4:30]

Hon. Mr. Rhodes: Fine, and I think that's proper. But what has happened, and I would mention this to the hon. member, is that there have been areas where an amendment to the zoning order has been requested by the landowners, by the municipalities and other interested parties and approved by the planning people of the area who have said: "We think this is a reasonable use. Would you amend your order even though the proposed use might be contrary to the official plan?" There I have agreed and have so amended. I don't think that it's flying in the face of the public forum.

Going to the questions on the northern Ontario and the unorganized territories and the provision for planning boards in the north to become land division committees or committees of adjustment and the establishment of land division committees in the unorganized areas, it's true the Act says that the minister shall appoint. But that is not done with the view that the minister is going to go out and select the people. By virtue of the fact that it is unorganized, the minister will make the appointments—go through the formality of appointing. But I can assure the members it is not my intention to go around picking out names out of a hat and determining who is going to sit on those particular boards.

Those particular boards will be served on by people who will be from those areas and who will be hopefully selected by the people who live in those areas. I draw to the attention of the member for Ottawa Centre with respect that the planning board that now exists in the area north of Sault Ste. Marie was an elected planning board, elected by the people who live in that area and who own property in the area. I don't disagree with the criticism that perhaps there are persons, a segment of the population there, the tenants in mobile homes, who are not represented on that particular board. But I didn't decide who was going to run for office nor did I determine who was going to be elected. That was done, I trust, by, and I obviously support it, the pure democratic process of nominations and going to the ballot. And the winners so sit.

That's what occurred in that area in a special election, I don't think the like of which has been held anywhere else in Ontario. But they did in fact elect their own members. If there is some way of getting away from that inequity, fine, let's take a

look at it. Maybe the only way is to appoint the members to that board to see that all of those interested people will be properly served on that particular board.

I do draw again to the member's attention that there are not thousands and thousands of mobile homes in what is known as Sault North. They just aren't there. And there aren't thousands and thousands of mobile home tenants. He has been in the area on a number of occasions and I strongly suggest he spend more time up there and take a look at them. Don't look at one and multiply by some fictional figure. There just aren't that many in that particular area. Those that are there should be represented, though. I make no bones about that.

I must confess I had some difficulty with some of the comments of the hon. member for Welland-Thorold (Mr. Swart) as to the public right. I think we are doing that. He says he has some concern over the fact that in section 4 I say "No notice or hearing is required prior to making an order under subsection 1." I think that's important, because if you are going to give notice then the whole effect of putting the zoning order on is lost. It's totally lost. The very thing that you are trying to prevent will happen as soon as the word is out that you've given notice that you are going to in the future put the zoning order on. All of the things you want to prevent will occur. You lose the effectiveness and you really shouldn't bother having a zoning order. It's important that the order can be put on.

In fact, part of our problem at the time under the old section was that we really thought that the section in the Act had the same effect as a municipal bylaw. One of the good learned judges in a decision said the same thing. We thought, that being the case, when a minister's zoning order was put on to the land that in fact you had the same authority as a municipal bylaw. If the bylaw was in effect it was law and the hearings were held after, if necessary, and a decision in that case given by the OMB on a municipal bylaw. But the judges' decision would lead us to believe that we do not have that authority.

One of the decisions leaves us really wondering because it said you are acting as a municipality, therefore you must have hearings. The hearings are after the fact in municipal life, as you well know. We didn't have that and the judge couldn't give it to us. They told us that we were wrong in at least two cases.

I think what we've got here in this particular Act is a good amendment. I think it's worthy of support. I think it should remain as it is. I can't see the necessity for any amendments in the Act.

The member for Essex South (Mr. Mancini) has left, but I did tell him I would put this on the record for him: He was concerned about section 6(11), where the minister would be requesting the receipt of copies of decisions of the committee. I wish to point out to him that the only time that would happen is where we found municipalities where the committee seemed to be disregarding completely the public interest or the planning procedures; then we would ask that the decisions be sent to us to determine whether or not the committee was carrying out its responsibilities properly. I don't think that's going to be necessary too often. Mr. Speaker, I don't believe I have any other comments.

Mr. Nixon: That is unsatisfactory.

Mr. Singer: Not good enough.

The House divided on the motion by Hon. Mr. Rhodes for second reading of Bill 130, which was approved on the following vote:

AYES	NAYS
Angus	Breithaupt
Bain	Bullbrook
Bennett	Campbell
Bernier	Conway
Birch	Cunningham
Breaugh	Edighoffer
Brunelle	Ferris
Bryden	Gaunt
Burr	Good
Cassidy	Haggerty
Davis	Mancini
Davison	McKessock
(Hamilton Centre)	Miller
Deans	(Haldimand-
diSanto	Norfolk)
Drea	Newman
Dukszta	(Windsor-
Eaton	Walkerville)
Evans	Nixon
Ferrier	Peterson
Germa	Reed
Gigantes	(Halton-
Godfrey	Burlington)
Grande	Reid
Gregory	(Rainy River)
Grossman	Riddell
Handleman	Roy
Henderson	Ruston
Hodgson	Sargent

AYES
Irvine
Johnson
(Wellington-
Dufferin-Peel)
Jones
Kennedy
Kerr
Lane
Laughren
Leluk
Lewis
Lupusella
MacBeth
MacDonald
Mackenzie
Maeck
Makarchuk
McCague
McKeough
McMurtry
Meen
Miller
(Muskoka)
Newman
(Durham York)
Norton
Parrott
Philip
Renwick
Rhodes
Samis
Sandeman
Scrivener
Shore
Smith
(Hamilton
Mountain)
Snow
Stephenson
Swart
Taylor
Timbrell
Villeneuve
Welch
Wells
Williams
Yakabuski
Young
Ziemba—71.

NAYS
Singer
Smith
(Nipissing)
Smith
(Hamilton West)
Spence
Sweeney
Worton—28.

Ayes 71; nays 28.

Ordered for committee of the whole.

CORPORATIONS TAX AMENDMENT ACT

Hon. Mr. Meen moved second reading of Bill 99, An Act to amend The Corporations Tax Act, 1972.

Ms. Bryden: This bill changes the amount of profits eligible for the reduced rate of Ontario corporation tax which we passed this spring. In effect, it increases the limit on eligible profits to bring the limit into line with the proposed increases which was announced in the 1976 federal budget, but has not yet been enacted as far as I have been able to determine.

Mr. Speaker: Order, please. There is a great deal of background noise in the chamber. Could we keep it lower please?

Ms. Bryden: The reduced rate of corporate tax of nine per cent provided for in last spring's amendment applied to companies and profits which qualified for the federal so-called small business deduction. It was, therefore, restricted to Canadian-controlled private companies. But while both the federal and the provincial reduced rates of corporate tax are touted as small business incentives, they in fact could be collected by Eaton's or by any other Canadian-controlled private company on the first \$100,000 of their profit up to a maximum of \$500,000 over a period of years. Under the proposed change the reduced rates would apply to the first \$150,000 up to accumulative maximum of \$750,000.

Mr. Deputy Speaker: Could we have a little order please?

Ms. Bryden: We supported the amendment to The Corporations Tax Act last spring which put the reduced rates into effect because we believed that it mainly benefited a substantial number of small businesses. We would have liked some clause which would have removed the benefit from the large private companies which qualified, but this would have required a departure from parallelism in the application of the reduced rates at the federal and provincial levels.

We therefore supported the small business exemption last spring mainly because we thought it would offset some of the disadvantages that small business suffers from. We don't think the tax incentive is nearly enough to assist small business in this province.

Mr. Deputy Speaker: The Minister of Revenue (Mr. Meen) is having difficulty hearing. Could you conduct your private conversations elsewhere please?

Ms. Bryden: Small business suffers from difficulties in obtaining credit at the same rates as big business. It suffers from difficulties in completing government forms because it doesn't have as much computerization. It suffers from difficulties in fulfilling its obliga-

tions for tax collection again because of smallness of size, and generally complying with red tape. For these reasons we think it is entitled to some tax concessions. But we do not think the cost of such tax concessions should be spread over the entire population of Ontario, over the other taxpayers of Ontario, many of whom are paying far more than their share right now.

We think the cost of such small business concessions should have been spread over the other corporations, the large corporations, the foreign-controlled corporations. We would have liked to have seen last spring's bill include an offsetting increase in the corporate tax rate. The Ontario corporation tax rate of 12 per cent has not been changed since 1967. Three other provinces have higher rates; B.C. at 15 per cent, Newfoundland at 14 per cent, Manitoba at 13 per cent.

Since 1965-66, corporate taxes in Ontario have been producing a smaller and smaller percentage of total revenue. They have gone down from 17.5 per cent to 10.4 per cent in the 11-year period. We think that the amendment last spring and this change now should have reversed that trend and started to have the large companies, which are benefitting from inflation, paying a larger share of the total cost and contributing to the reduction in that overblown deficit which the provincial Treasurer (Mr. McKeough) is trying desperately to reduce.

We intend to support this amendment despite our regrets about the failure of the government to make up the lost revenue from the big corporations, many of which are foreign-owned. Most of them are shipping profits out of the country or using those profits to buy up Canadian-controlled industries. We feel that they could well afford to pay a larger contribution to the revenues of this province.

I would like to ask the minister if he could give us an estimate of how many additional companies will benefit by the raising of the profit limit under this amendment; and also how much revenue loss he expects from the raising of the limit. When we know this we will know much better how much he should have increased the corporate tax on the large corporations in order to offset this loss of revenue.

Mr. Edighoffer: I'd just like to make a very brief comment on Bill 99. As was stated earlier by one of my colleagues, maybe this shouldn't be 99; it should be 45(a). I realize this bill is a further amendment to Bill 45, which was passed earlier in this session, which re-enacted section 106(a) of The Corporations Tax Act.

The federal budget, I believe, was brought down on May 25 of this year. That budget stated that the small business deduction limits would be increased from \$100,000 to \$150,000, which should be of some assistance to a greater number of small and medium-sized businesses, particularly now, throughout Ontario. The federal Act, I understand, has finally been introduced and this bill, of course, will not be enacted until it's been proclaimed. I presume that will be after the federal bill has been given approval.

I think the most interesting part of this legislation, because we've had many requests from small businesses and small business associations, is for less paperwork and more tax relief. I think the one thing we're interested in is what change will be made and how many more businesses will receive benefit—I believe it was 50,000 that was announced in the original budget by the Treasurer in April of this year. I hope the minister will be able to assist us with those figures. Also I'm wondering, because the budget referred to the fact that there would be a transition bonus which would represent a one time cost of \$8 million, whether this will change the previous budget procedures as well.

We in this party will support Bill 99.

Hon. Mr. Meen: The members have directed their attention to the potential revenue loss to the province, and we don't have precise figures, of course, on this. But our best estimate is that somewhere in the range of 1,900 on the lower end, to 2,700 at the upper end of the scale would benefit. The average of that is 2,300, and on that basis we are estimating—I can give hon. members, rather than just an estimate within the two bracketed ranges, an estimate of the two bracketed ranges of revenue. On the low end, we have an estimated revenue loss of \$3.8 million; on the high end, an estimated revenue loss of \$7 million. Those are the figures we're looking at as money that would be retained within the business community for expansion and, of course, creation of other jobs.

[5:30]

I don't know whether there's much more. I think that was the gist of the thrust of the questions by the hon. member for Perth as well.

I should just add, though, that there is a small difficulty attached to moving in this direction at this time, initially intended for the purpose of paralleling the announced in-

tentions of the federal Minister of Finance when he brought in his budget in May of this year. They did in fact introduce the bill, and that's the bill to which the hon. member for Perth has made reference. But that bill died on the order paper. To the best of my knowledge, contrary to what the hon. member for Perth indicated, I do not believe that any subsequent bill has yet been introduced.

My understanding is that they are having some difficulties with some sections of their amendments to the Income Tax Act—of which their corporation tax section is a part, as opposed to being a separate piece of legislation as we have here in Ontario—and that although they will likely go forward fairly soon with their amendments to the Income Tax Act dealing with personal income tax, it's apparently not expected that they'll be going forward for some months yet with their announced intentions as to corporation taxes.

The amendment I am proposing today adopts the sections in the federal Income Tax Act—sections 125(1)(a), (b), (c) and (d). Subsection (c) of those sections as adopted by us is the one which itself at present imposes a limit of \$100,000. It will be necessary for them to amend their Act before our Act can be proclaimed.

What we're saying is this, that not only do we believe in paralleling the federal legislation, but we also believe it is appropriate to go to \$150,000 at this time. I think if the federal government does not move within a reasonable time to increase that subsection (c) to read \$150,000 as opposed to the present \$100,000, we would have to come back to this House with a still further amendment to The Corporations Tax Act of Ontario to actually effect this increase to \$150,000. This amendment today accomplishes that, provided the federal government makes that amendment to its Income Tax Act.

I thank the hon. members opposite for their indicated support of this amending legislation, but I do indicate that it will not be proclaimed for a while. When it is proclaimed, as the hon. members will have realized, it will be retroactive to cover the fiscal years of corporations ending on and after our last budget date which, if memory serves me, was April 7. I should just check that and make sure I'm correct. Yes, ending after the sixth day of April—on and after, then, the seventh day of April, 1976, rather than, say, the effective date of the last federal budget. Or as a matter of fact, I understand the federal position correctly, they were proposing to make it relate back to January

1, 1976. We are not proposing that, but ours would be effective from and including April 7, 1976.

Motion agreed to.

The following bill was given third reading on motion:

Bill 99, An Act to amend The Corporations Tax Act.

ASSESSMENT AMENDMENT ACT

Hon. Mr. Meen: I'm pleased to move second reading of Bill 133, although I had understood that apparently one of the parties opposite had not wanted to go forward with it at this time. Is it agreed? I move second reading of Bill 99 then.

Hon. Mr. Welch: No, I'm sorry, it's 133.

Mr. Breithaupt: That was a good debate.

Mr. Meen: I'm sorry, of course, Bill 133.

Hon. Mr. Meen moved second reading of Bill 133, An Act to amend the Assessment Act.

Ms. Bryden: I had understood this bill was not coming up this afternoon.

Mr. Good: Well, we understood it was.

Hon. Mr. Welch: Bill 134?

Ms. Bryden: The Assessment Act, is that correct?

Hon. Mr. Meen: Yes, that is correct.

Ms. Bryden: I'd just like to make a few comments on it, Mr. Speaker. I think this is the fourth or fifth year that we have postponed the institution of the market value assessment system. As we have mentioned before, we feel that there has been a lot of unnecessary delay in the past in getting down to business on a proper reform of our property tax base. In some cases the delay appears to have been of a political nature, with an election looming and a lot of changes coming.

The present delay is presumably to allow the Blair commission to continue its work in examining the 15 proposed changes in the property tax base which were announced in budget paper E. We can do very little but support the proposal to postpone the implementation of market value assessment until the 1978 tax year, because in our submission to the Blair commission we pointed out that we think the whole idea of examin-

ing those 15 very far-reaching proposals in that short period of a few months was completely mistaken.

There are all sorts of implications that the people appearing before the Blair commission do not have an opportunity to bring forward their entire reaction because they haven't been able to calculate the impact due to lack of information from the government and lack of background material.

I understand that the Treasury department prepared a background book on the 15 proposals which contained a lot of analyses of the implications as far as they could with the data they had, but this book has not been made available to the public in any form. We requested it when we appeared before the Blair commission but so far the commissioner has not seen fit to make it available to us.

The result is that not only were we disadvantaged in presenting our critique of the 15 proposals but every other group or person appearing before the Blair commission has been similarly disadvantaged by the absence of any of these background studies on the proposals and by the lack of statistical data. The Niagara region example, which was put into budget paper E as a so-called example of how the impact of the changes would work out, has been shown not to be representative in the slightest and the figures appear to have been somewhat cooked, shall we say, to make it appear that there are going to be shifts that will be favourable to homeowners.

We are not convinced at all that the premise upon which the 15 proposals are based, that is that the proportion of tax borne by home owners will be reduced, is supportable under these 15 proposals. We think that the whole exercise of the Blair commission is really a hasty, put-together to provide a smokescreen for enactment next spring of proposals which have not really been adequately analysed and which should have been much more thoroughly thought through by the government.

Already we notice the government is backtracking on a good many of the proposals when it has found the tremendous reaction against the proposals, for example, to raise business taxes on small business by 21 per cent, to raise them on chain stores by only 16 per cent, to reduce it on distilleries by 43 per cent, to reduce it on wholesale business and to keep it uniform on financial institutions. The whole business tax proposal is going to hit small businesses and relieve some very big businesses such as the distilleries.

Another area where there is tremendous concern is the proposal to tax properties that at present are exempt—mainly non-profit organizations of a charitable and educational nature. The implications for those, we are just beginning to realize. The United Appeal of Toronto examined its 25 agencies and found the tax burden would be tremendous, in most cases more than a lot of them could bear. They would probably have to go out of business.

Those are some of the areas where we feel there must be rethinking of those proposals. We feel the timetable for the examination of those far-reaching proposals is much too short. I know we are bound or constrained by the desire to get a more equitable system of assessment into effect. Market value assessment has the appearance of being more equitable. I think it is, where you can get adequate records of actual sales in the area.

It breaks down when you start to try to assess commercial buildings for which there are very few sales. Who can say what the Toronto-Dominion Centre is worth? Who is going to buy it? It breaks down when you try to assess the value of a park, a conservation-authority property, and so on. It seems to me the whole concept of market value has to be modified in cases where you don't have adequate market material and new formulas have to be worked out before we can get what is really an equitable property tax system.

Another area where we have grave doubts about the proposal is with regard to the farm proposal, where farm land would be assessed at full market value but the government would pay the taxes in full, but if the farmland's use was changed there would be a recapture of the tax. I understand a great many farmers are very concerned about this proposal. They don't want to be—

Mr. Deputy Speaker: Let me remind the hon. member that the principle of this bill is whether market assessment should be delayed a year.

Ms. Bryden: I'm just saying that it probably should be delayed even longer until we sort out some of the tremendous impacts of these proposals, including the one that farmland should really not pay any tax at all while it remains in farmland. But I don't think farmers like being in a position where their taxes are paid by the government. They would rather pay their own way if they had an adequate farm income.

Mr. Ruston: Your party would take all the land over anyway.

Ms. Bryden: So that's another area where there are grave doubts.

[5:45]

A further area is in the question of municipal local government property being taxable. It is going to add to the tax burden of all the people who support those various local governments. It may take money out of one pocket and put it into another but it is certainly not going to create any new property tax wealth—just shift it from one region to the other.

We think the whole question of property tax relief depends on the province helping local government to reduce the burden of property taxes to have less reliance on property taxes. This can be done in two ways: By letting the local governments have access to other kinds of tax revenue—possibly income tax, corporation tax, sales tax, a share of that, and secondly by the province increasing its grants to local government and perhaps taking over whole functions such as welfare and a much larger proportion of education in order to relieve the burden of the property tax which we all know is a very unfair and regressive tax.

These are the sort of considerations that should be debated before the Blair commission. They are not, because they are not in the terms of reference and that is my real—

Mr. Deputy Speaker: Let me again remind the hon. member that she can't speak to anything that isn't in the bill. You must address yourself specifically to the principle of the bill and that is whether or not market value assessment will be delayed for one year.

Ms. Bryden: I was just going to wind up and say that under the circumstances we support this bill. But we would like to see some real action and more study by the Blair commission, with more information available to the public.

Mr. Nixon: A lot more studies.

Mr. Good: I'll try to relate my remarks to assessment and the problems that have arisen regarding the delay up to now and the whole matter of market value assessment. Actually what would be most relevant is to dig out some of the speeches of 1970, 1971 and 1972, where we showed the ministers opposite the problems that would arise by trying to bring out market value assessment across the province.

Mr. Edighoffer: Good idea.

Mr. Good: Already it is obvious to all people that market value assessment is not going to be the be-all and end-all of the inequities that exist in our taxation system. Already in some areas, market value assessment, or so-called market value assessment, represents as low as 50 per cent to 60 or 65 per cent of today's market value. Already the equity has gone out of what we call market value assessment. While some areas have had increases in market value to that extent, other areas of the province have not.

So on that magical day when market value assessment is brought in, there will still be the greatest need for equalization factors. There will be the greatest need to look at the assessment and see at what levels each classification of property will be taxed and there will be the need to try to remake a proper relationship between so-called market value assessment on residential property and market value assessment on industrial and commercial property.

Market value assessment as is being done on commercial and industrial properties bears no relationship to the market value of those particular buildings because it's impossible to ascertain what the market value would be; that is, what a willing buyer would pay to a willing seller. Consequently they have had to use other methods to put a so-called assessment on those properties and my understanding is that they used replacement costs less depreciation.

We told the government, away back when they first started talking about taking over the assessment function in this province, that there was nothing wrong in many of the areas of the province because there was equity within the taxation area among the various classifications of property. Let's go back and look for a moment on how that was accomplished.

The local municipalities that were responsible for their own assessment did assess various classifications of property at various percentages of market value. Some municipalities were assessing residential property at 23, 25 or 27 per cent of market value. Apartment buildings were assessed at 45 or 50 per cent, industrial and commercial at 100 per cent. That seemed to be about the general mix that was acceptable by the people in those days.

Granted, there were many areas in the province where assessment was not being done properly. I drew this to the attention of the ministry on my first speech in this

House back in 1967. I said at that time that if they gave some money to the municipalities and made the use of the assessment handbook mandatory, they could do away with their assessment problems or at least improve them considerably. Instead of doing what was the logical solution to some of it, they said: "No one can do it properly but the province," and they took over the whole assessment function and incidentally increased the cost of assessment from about \$2 per capita to \$4 per capita just overnight. Any thing the province takes over from the local municipality has that result.

Along with taking over the assessment, they froze the existing assessment on buildings at that time. Along with freezing the assessment, the equalization factors were frozen and those factors that involve the payment of levies among the municipalities—from area to region or from township to county. The equalization factors that were frozen were those used for the province giving its grants to the municipalities. Instead of things getting better in the last eight years, the inequities have been perpetuated. I suppose that while there may be some validity in saying it's easier to live with the monster you know than the monster you don't know, many people are quite happy to say, "I will take my chances on what we have now rather than wait for this equalized assessment." Everybody is afraid of it.

The government ridiculed this party six, seven, eight years ago when we said the government was going to have to bring in various levels of taxation for various classifications of property. The government said market value assessment was going to bring equality to everything. Fortunately the government has been convinced now in the last couple of years that it is going to have to have various levels of taxation for various types of assessment. The resources equalization grant paid out by the province now has so many inequities in it due to the freezing of the equalization factors that the minister is as aware as I am of the situations where cities like Windsor get no resources equalization grants and the city of London gets them in the millions. I am sorry, I forget the amount. These things have been perpetuated, and bringing in market value assessment unfortunately isn't going to solve many of these problems. There has been too much emphasis laid on what market value assessment is going to do to bring about the solution to the inequities that exist.

I don't think at this point we should get into the matters of taxation that have been

put forth by the Treasury; that is a different matter. But the bill before us says this is going to be put over for another year. In other words, it's now going to legalize in legislation what the Treasurer said last spring. The rolls will be returned in 1977 for 1978 taxation. Let us hope that the government keeps faith with its promise to bring the rolls in early in the year so that at least people can have a look at them—not that they are going to know what to do with that assessment, because there will be no manner in which a person can judge whether that assessment is high, low or in between.

I think the experience in those municipalities where market value assessment has already been brought in, such as the Grey, Bruce and Parry Sound areas, has shown that when the first reassessment went out, there was a slip which said that if the expenditures did not increase or if the mill rate did not increase, the assessment should be roughly about—I think in Grey county it was 17 times what it was previously, which was a little bit of a guideline but certainly no basis on which one could appeal an assessment, which is understandable.

It's unfortunate that this had to come about again. I think the approach by the government away back in 1970 when it took over the assessment was wrong. We established that fact at the time and I think now they are finding that their chickens are coming home to roost and they have got a political hot potato here which is really going to cause them trouble in the near future.

Mr. Cassidy: Mr. Speaker, I think the saga of market value assessment epitomizes what's wrong with the Conservative government in this particular province. It is a saga of incompetence and it is a saga of secretiveness. I think it is wreaking tremendous hardship and uncertainties on a whole lot of people across the province and this is simply the latest chapter.

I recall to the minister that it was back in 1964 or so that the Smith committee on taxation was appointed by the then Conservative government. There was a promise or a hope that during the 1960s the major tax reforms would come forward. That didn't occur. In 1966 or thereabouts the Smith report came down. It recommended major reforms in the property tax field. They were then submitted to a legislative committee. Before the end of the 1960s that legislative committee had made its recommendations.

I submit it is typical of the Conservative government that this province has had for far too long that much is promised and little is delivered, and that certainly has been the

case in the field of market value assessment. This minister, it seems to me, has been dogged by incompetent displays such as we have in the field of market value assessment.

I would like to suggest that we are going to have major problems next year when finally the work of the assessors is meant to be revealed before the public. They have been working since 1971 with absolutely no public scrutiny and no public accountability. The minister and his predecessors have repeatedly refused to give any kind of public inspection of the quality of the work being done by the assessors.

We were told back in 1973 or 1974 that the inflation of profit values made the work done up until that time of no use. It had to be scrapped and had to start all over again. We were told that there were problems with the computers. Nobody knows what has really been happening there. We are now told that the market values that will be brought forward will not be contemporary market values, but will be market values as of a particular spot in time. I am not sure what that spot in time will happen to be.

Tens of millions of dollars have gone down the drain in trying to come up with this market value assessment, and nobody knows whether the work is any good or not. What we can tell, though, is that the work of the Ministry of Revenue, under this particular minister is not particularly good. I have very little confidence that we are going to get better work when the work comes out from the assessors.

I am afraid, in fact, that people are going to be confused, dismayed, upset, and very angry when they find out what happens. They will not understand what the market value assessments that they receive actually signify. The appeal process will be so hopelessly overloaded that it will be impossible for people to get a just and fair treatment in trying to get a decent assessment on their particular property. The inequities and injustices that have been perpetrated on property-tax payers over the last few years will simply be continued by what is going to happen next year.

To compound this, we are going to see a series, I predict, of hastily devised measures by which the government will try to respond to the difficulties that are revealed both by the Blair commission report and by further political pressures that are brought upon the government over the course of the debate of the next few months. I would submit that the chance of major reform has probably been blown because of the incompetent way that both this minister and his government have

handled the whole area of market value assessment.

I urge, if I can be brief, that the minister open up the rolls now so that people know what is happening. I urge, in addition, that given the fact that it is very likely market value assessment will not come in in 1978 but will be further delayed to 15, 16, 18 or even 20 years after the inauguration of the Smith committee report, we may or may not see some semblance of market value assessment in this province.

I would urge that equity within taxation classes be introduced now by bringing in market value assessment within classes, so that people in like circumstances pay a like amount in tax. In other words, one residence

and another pay the same amount of tax if they have the same market value. That is not the case now. It has not been the case through the 1970s. It has not been the case because of the incompetence and delays of the ministry.

I submit that changes are needed because we have no confidence that the whole great, marvelous, perfect scheme promised by the ministry is ever going to be introduced. It has been delayed before; it is being delayed again now. I suggest that the government will simply be chicken once again and will give us further delays for as long as it remains in power. It is one of the good reasons perhaps why it should be booted out.

The House recessed at 6 p.m.

CONTENTS

Tuesday, November 2, 1976

Point of privilege re communications in House, Mr. Godfrey..... 4323

Appointment of assistant deputy minister, statement by B. Stephenson 4323

Training school death, statement by Mrs. Birch..... 4324

Children in training schools, questions of Mrs. Birch and Mr. J. R. Smith: Mr. Lewis,
Mrs. Campbell 4324

Acting-out adolescents, question of Mrs. Birch: Mr. Lewis..... 4325

Health hazards at Johns-Manville plant, question of B. Stephenson: Mr. Lewis..... 4325

Decline in building permits, questions of Mr. Rhodes: Mr. S. Smith, Mr. Cassidy,
Mr. Singer 4326

Cost of home buyer's grant audit, questions of Mr. Meen: Mr. S. Smith, Ms. Bryden,
Mr. Bullbrook, Mr. Cassidy, Mr. Peterson..... 4327

Development of junior mines, questions of Mr. Davis: Mr. S. Smith..... 4330

French services for handicapped, questions of Mr. Taylor: Mr. S. Smith, Mr. Cassidy 4331

Great West Steel plant closure, questions of B. Stephenson: Mr. di Santo..... 4332

Comments of member for Ottawa East, questions of Mr. Handleman: Mr. Roy,
Mr. Lewis 4332

Thunder Bay jail, questions of Mr. J. R. Smith: Mr. Foulds..... 4333

Bulk gasoline storage costs, question of Mr. W. Newman: Mr. McKessock..... 4335

Planning Amendment Act, Mr. Rhodes, second reading..... 4335

Corporations Tax Amendment Act, Mr. Meen, second reading..... 4353

Third reading 4356

Assessment Amendment Act, Mr. Meen, on second reading..... 4356

Recess 4360

SPEAKERS IN THIS ISSUE

Bernier, Hon. L.; Minister of Natural Resources (Kenora PC)
Birch, Hon. M.; Provincial Secretary for Social Development (Scarborough East PC)
Bryden, M. (Beaches-Woodbine NDP)
Bullbrook, J. E. (Sarnia L)
Campbell, M. (St. George L)
Cassidy, M. (Ottawa Centre NDP)
Conway, S. (Renfrew North L)
Cunningham, E. (Wentworth North L)
Davis, Hon. W. G.; Premier (Brampton PC)
di Santo, O. (Downsview NDP)
Eakins, J. (Victoria-Haliburton L)
Edighoffer, H. (Perth L)
Foulds, J. F. (Port Arthur NDP)
Givens, P. G. (Armourdale L)
Godfrey, C. (Durham West NDP)
Good, E. R. (Waterloo North L)
Grande, A. (Oakwood NDP)
Handleman, Hon. S. B.; Minister of Consumer and Commercial Relations (Carleton PC)
Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
Lewis, S.; Leader of the Opposition (Scarborough West NDP)
Mancini, R. (Essex South L)
McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental Affairs
(Chatham-Kent PC)
McKessock, R. (Grey L)
Meen, Hon. A. K.; Minister of Revenue (York East PC)
Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
Nixon, R. F. (Brant-Oxford-Norfolk L)
Peterson, D. (London Centre L)
Reid, T. P. (Rainy River L)
Renwick, J. A. (Riverdale NDP)
Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
Rowe, Hon. R. D.; Speaker (Northumberland PC)
Roy, A. J. (Ottawa East L)
Ruston, R. F. (Essex North L)
Sandeman, G. (Peterborough NDP)
Sargent, E. (Grey-Bruce L)
Singer, V. M. (Wilson Heights L)
Smith, Hon. J. R.; Minister of Correctional Services (Hamilton Mountain PC)
Smith, S. (Hamilton West L)
Stephenson, Hon. B.; Minister of Labour (York Mills PC)
Stokes, J. E.; Deputy Speaker (Lake Nipigon NDP)
Swart, M. (Welland-Thorold NDP)
Taylor, Hon. J. A.; Minister of Community and Social Services (Prince Edward-Lennox PC)
Welch, Hon. R.; Minister of Culture and Recreation (Brock PC)



Legislature of Ontario Debates

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Third Session of the 30th Parliament

Tuesday, November 2, 1976

Evening Session

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

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CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. (Phone 965-2159)

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LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 2, 1976

The House resumed at 8 p.m.

ASSESSMENT AMENDMENT ACT (continued)

Mr. Edighoffer: Mr. Speaker, I'd like to make a few comments in regard to Bill 133, An Act to amend The Assessment Act. I rise to support this legislation as I know it will postpone the hardships on the taxpayers.

My colleague from Waterloo North (Mr. Good) ably outlined the party's position on market value assessment, but I could not let this opportunity pass, as an ardent reader of speeches by the Minister of Revenue (Mr. Meen). I'd like just very briefly to put on record a few quotes from the minister's recent speech to the Golden Mile Kiwanis Club on October 20, justifying the need for market value assessment. It seems that this was just six days before he introduced the bill to put off market value assessment for another year, I will just quote very briefly:

The province-wide introduction of market value assessment is just around the corner. I am sure you'll agree that assessing all the properties in a large and diversified jurisdiction like Ontario presents some very interesting challenges. If I might boast for a second, our assessment system in this province is one of the most progressive in the world, and we're quite proud of what we've accomplished.

Mr. Worton: Progressive but not necessarily Conservative.

Mr. B. Newman: Who said that?

Mr. Edighoffer: This was said by the Minister of Revenue on October 20. Then he goes on:

But we have no intention of resting on our laurels. We are now focusing our efforts on a programme to familiarize taxpayers with our new system. As part of this programme, every regional assessment office in the province will be holding an open house next year after the market value assessment notices have been issued. I urge you to take advantage of this ex-

cellent opportunity to discuss the market value assessment programme with our staff and to obtain information on the finer details of your property valuation. The specific time and date for this event will be well advertised locally when the final details are worked out.

Mr. Nixon: He said that?

Mr. Riddell: It'll be an open house, but an empty house,

Mr. Edighoffer: The questions that come to my mind in discussing this bill are why this government has an inability to complete market value assessment and why did the minister just find out in the six days prior to announcing the bill? I'll support this bill but I'm concerned about the co-ordination in the cabinet when the minister goes around talking to groups telling them about market value assessment and how they will advertise it next year and then bringing in a bill six days later to change the plan.

As I say, we'll support this legislation. I think probably this party has been condemned for its flip-flopping but maybe the government should now receive some of that.

Mr. Grande: I just have a very few comments on this bill, An Act to amend The Assessment Act. Some of the things I would like to talk about include the fact that this particular ministry, this particular government, brought in as a result of the budget papers 15 proposals. They set up the Blair commission to receive briefs from the public, whether they be taxpayers, whether they be school boards or from any source. As a matter of fact, I thought perhaps here for the first time in reality we have a Conservative government interested in consultation and interested in finding out what the people out there are thinking. That's really clearly the first time. Then I came to terms with that kind of process they're following, and I said, "Why are they doing that? That's not their usual style."

I have to come to the conclusion that really the Blair commission is nothing else than just set up there to do what the government wants it to do. There were 15 proposals in

April. The Blair commission has received a tremendous amount of input about which even the government, I'm sure, was very surprised. They didn't expect the boards of education across Metro to be flocking to the commission saying, "There's no way that we can pay these taxes"; the separate school board saying, "If we're going to be paying these taxes, we're going to be closing the doors of some of our schools"; and the Toronto Board of Education stating that in certain areas of the city of Toronto taxes are going to be increasing by as much as 92 per cent. In some areas they are going to be decreasing.

In all of this consultation process, though, I can't forget to think that perhaps if the government, or that party on the other side of this House were in power in majority right now, they would follow their old kind of process of saying, "We'll enact the law. If you're not happy, take it up with someone else."

Since the April budget, I've been fortunate in going to three different places in the province and I found out that farmers certainly are not happy with these proposals. The educational institutions, as I've suggested, are not happy with these proposals. The independent schools are not happy with these proposals.

Mr. Nixon: It has nothing to do with this bill.

Mrs. Campbell: Nothing to do with this bill.

Mr. Renwick: I think it is very pertinent.

Mr. Speaker: Order, please.

Mr. Nixon: Mr. Speaker, on a point of order, since the matter has now been brought to your attention by interjection, your deputy specifically ruled this line of debate out of order before dinner, involving people on this side of the House—

Ms. Gigantes: He did not.

Mr. Nixon: —because, as he pointed out very correctly, the bill deals only with market value assessment. If you're going to permit a full debate on budget paper E, then we're going to be here for a long evening.

Mr. Cassidy: Are you guys ever in the vest pocket of the government? Whenever the government is in trouble, you bail them out.

Mr. Renwick: They can always count on you.

Mr. Nixon: I suggest that you show some consistency.

Mr. Speaker: Order, please. I was just paying close attention to the remarks to see if they were related to the principle of the bill. I really don't need the hon. member's advice on this.

Mr. Renwick: That's right.

Mr. Speaker: I was paying attention to it and I could tell you that oftentimes a person strays, but they get back to the bill. Order, please.

Mr. Cassidy: Exactly.

Mr. Speaker: But we don't allow straying consistently for too long a time. Sometimes you have to listen to it to see whether it's backing up the principle of the bill, I point out.

Mr. Renwick: As a matter of fact, we never stray.

Mr. Speaker: The principle of this bill is whether a certain action will take place next year or whether it be extended a year. I ask the hon. member to keep to that and not bring in outside issues. If you would do that, please.

Mr. Cassidy: To err is human and to stray divine.

Mr. Grande: Thank you very much, Mr. Speaker. I thought, as a matter of fact, that I was on the principle of the bill.

Mr. Speaker: I might point out to the hon. member that discussing the actions of any group or party, whatever it might be, I think has nothing to do with the bill. It's really the principle of the bill which should be discussed. Thank you.

Mr. Nixon: Gee, that's a revelation.

Mr. Deans: He's talking about the reason for the delay. That is quite on the point.

Mr. Grande: That's exactly what I'm going to do, what you're suggesting I'm doing, Mr. Speaker.

Mr. Breaugh: Back to the start.

Mr. Grande: As my colleague back here said to me a little while ago while a member of the Liberal Party was standing up—since when have they been interested in these areas?

Mr. Breithaupt: If you had been here for a few years you would know more about it than you obviously do.

Mr. Nixon: If you had the member for Lake Nipigon (Mr. Stokes) in the chair you wouldn't be talking that way.

Mr. Grande: I'm sure that I will, and I will definitely find out—

Mr. Speaker: Order, please. Order, please.

Mr. Cassidy: No, no, Breithaupt started it.

Mr. Speaker: The hon. member for Oakwood has the floor.

Mr. Grande: Mr. Speaker, if you ruled that I was straying away from the intent of the bill let me get back to it, because I really thought that was what I was doing. I was preparing a kind of rationale as to why this government has decided to pull those particular proposals of the budget back up for another year. It is because they never thought for one minute that the people were going to be very much interested in coming before this commission and presenting the briefs. They didn't expect they would be putting forward the salient points of what this market value assessment—or at least the way you are interpreting it—is doing to the non-profit organizations in Ontario.

But let me also, as the member for the Liberal Party states, talk a little bit—no more than a few minutes—on the minister's speech the other night. It was quoted in the paper under, "Revenue Minister's Blood Boiling Over Tax Reform Critics." I wonder why his blood should be boiling.

As I said before, perhaps it's boiling because they never expected the criticism contained in these particular briefs they're bringing forth to the Blair commission. The delay of one year is nothing but an attempt to defuse the issue. That's all it is. At least as far as I'm concerned, that's all the attempt means. They're saying, "Let's not worry about it until next year, because next year there just might be an election, and we cannot afford it now. We cannot afford this criticism."

Mr. Breaugh: That's to the principle of the bill.

Mr. Grande: Mr. Speaker, the only thing I want to say to the Minister of Revenue, if his blood is really boiling about these criticisms that are coming daily—

Hon. Mr. Meen: Mr. Speaker on a point of order—

Mr. Makarchuk: If his blood was not boiling, it is now.

Hon. Mr. Meen: —if the hon. member had been listening and had read what was said, my comment with respect to my over-temperature blood was with respect to certain criticisms made for political motivations primarily, not the submissions made to the Blair commission. I can tolerate, and indeed I welcome constructive criticisms of that type. But what really does get my blood over-heated is the kind of criticism I've heard from certain members opposite who really aren't well informed at best, and I suspect may very well be distorting the issues for political motivation.

Mr. Renwick: That is hardly a point of order. It's very interesting to speculate about your motivation.

Mr. Speaker: The hon. member for Oakwood.

Mr. Grande: Thank you very much. And that very fact that you just stood up says exactly what your motivations are. They're highly political.

[8:15]

Mr. Nixon: We can't have any politics in here.

Mr. Grande: As I was saying, if the blood of the minister is boiling over this particular political criticism, I don't understand any other kind of criticism when it comes to tax reform. I mean, what are they? Are they not political criticisms? Whatever criticism you are going to be applying, or anybody is going to be putting forward, is going to be either for that particular proposal or against that proposal which you put forward.

If the blood of the minister is boiling, and let me repeat that, then all I have to say to the minister is don't be too defensive. The criticisms are going to be coming in. They are going to come in a lot heavier than that. As soon as the small businessman finds out what it is going to mean to him, the small businessman is going to be coming, not to you any longer, but is going to be coming to people on this side of the House. They are going to be saying: "You will be representing us, no longer that party opposite."

As a matter of fact, I have a beautiful letter from one president of a small businessmen's association and perhaps another time I will put it on the record. But some of the phrases that he was using, let me just use them here. I took them verbatim in this tele-

phone conversation. He said, "This move is nothing else but crass stupidity. It is favouritism at its best, favouritism toward the corporate power. The intent is nothing else but to destroy the small businessmen."

Mr. Makarchuk: Very perceptive.

Mr. Grande: All I am going to say to the minister is that if his blood boils, the blood of the taxpayers out there is not boiling. He is making it curdle.

Mr. Cunningham: I too rise to support the delay in the implementation of what I particularly perceive to be a rather ill-conceived and poorly thought out method of taxation. I would be inclined, as the member for Wentworth North, to support a two-year delay or a three-year delay or maybe even a five-year delay as it currently is proposed.

I too read the speeches of the Minister of Revenue with great interest. Just for the record, because we were talking about that minister's blood boiling or being boiled, he said on page 11 of his speech to the Empire Club:

The misconceptions are bad enough but the one that makes my blood boil the most is the accusation that the government of Ontario is dictating all these reforms without consultation, with the object of shoving them down the taxpayer's throat.

I am sure the hon. member would remember with a great deal of interest the discussions we had, the public input we had, on the subject of regional government. It was interesting at that time. I recall the meetings and the minister was reported in the press as not being unduly concerned about the difficulties of regional government. It is interesting to note in the recent publication of *Momentum*, which I understand is his party's monthly magazine, or whatever, that he said on this same subject that the taxpayers shouldn't be unduly concerned. The fact that he would use that same phrase makes me duly concerned. The idea of taxing a public building or a school, something like that, assessing it, extracting tax dollars and then giving it back to the government I think is not only inane, it's mindless.

I would welcome any possible delay in this. I hope that the minister has in the time that transpires in this next year some guidance from some people who really realize what this is all about. I would suggest to him, with respect, that if he doesn't get that guidance, both economic and political, his government will not be in the position of

implementing any kind of meaningful tax reform in this province.

Mr. Renwick: Mr. Speaker, I only have one very brief comment. I hope that during the interval of this deferment—whether it's one year or two years is relatively immaterial to me, it's going to be some time in the future—the minister might consider either formally or informally relaxing the terms of reference of the Blair commission and not having them so rigidly tied to something called a fair market value assessment basis for the assessment system. I think it is absolutely essential that we get away from some theoretical assumption that all property owned by the citizens is subject to something called a fair market value assessment.

I know this may sound as heresy, but there is a very well-known criterion of fair market value where there is a willing buyer and a willing seller. That, I think, is appropriate in those cases to which property is subject to market requirements. There is an immense amount of property in the province of Ontario owned by various institutions—and I don't need to elaborate on it—which is not subject to anything called a fair market value of assessment, unless you say it's a hypothetical value attributable to those particular problems for the purpose of warping those values into something called a fair market value assessment. There is no market for them, it is a fictional market; and the value which you ascribe to them under the disguise that it is fair market value is not fair market value.

I think we are going to have to come to an assessment system in the province of Ontario which has a basis in reality, and the first question to be answered on the basis of whether or not an assessment should be levied, and what the basis of that assessment should be, is a determination of whether or not that particular piece of property is subject to fair market value. That is, is there something called a market for that property in the sense that there's a willing buyer and a willing seller? If there is, then you can ascribe fair market value assessment to that property.

On the other hand, if it falls on the other side of that line—and I don't deny the difficulties of a dividing line as between those kinds of property which are so subject to that kind of assessment—then I think the Blair commission and the province are going to have to come to some kind of decision as to the value to be attributed to that kind of property on a different formulation and a dif-

ferent formula. The formula will undoubtedly be complicated.

I think that what is bedevilling the assessment system and bedevilling the proper intention of the province to establish a uniform assessment system across the province, is this idea that somewhere or other all property is subject to fair market value. The sooner we get away from that kind of problem and get into the real world of saying, "Yes, some properties are subject to fair market value because there is a willing buyer and a willing seller and a marketplace for them, and other properties are not so subject to that fictional fair market value," then we can ascribe, on a theoretical or formula basis, a value to those properties consistent with and relatable to those that are subject to market value.

I think we have got to come to a system where we recognize, as a starting point, the dichotomy between those properties which are and those properties which are not available in the marketplace for sale. Until we reach that point—and I say quite categorically that the idea of a province-wide assessment is entirely acceptable—and until you accept the proposition that you bedevil the system by attributing market values to properties which are not so subject, and do not substitute for market value another criterion of valuation which will be fair and equitable in relation to market value properties in the particular municipality that is levying the tax, then we're not going to come to the kind of assessment programme and policy for the province of Ontario which will permit equity to be introduced.

It is not possible to ascribe something called fair market value to properties which are not so subject and then say that we can adjust it by a percentage reduction or otherwise of that value for the purpose of levying the taxes. I'm simply saying that, as a matter of reality, the sooner we come to that kind of decision, the better.

I hope the minister, with the respite provided by this moratorium on the period of time—whether it is one year or two years or whether we see this bill annually—will give consideration to that kind of a new view and to inform the Blair commission that they are not necessarily stuck with something called fair market value in those situations where it is purely hypothetical, where it is purely attributed to the property where there is no real formula under which that assessment can be made which will be realistic. I would hope that the minister would give some consideration to that initial basic problem which

I think is bedevilling the whole progress of the uniform assessment system across the province.

Mrs. Campbell: Mr. Speaker, it has been said many times that if one is in politics and leaves it for a matter of 10 years, one will still be debating the same principles. It's interesting that I believe I have already addressed a committee of which this minister was a member in presenting a brief from the city of Toronto on this very subject matter. I was, I suppose, honoured by the recognition by this minister that that brief caused at least at that point in time the reconsideration of the principle which is in this bill but which is now postponed by this bill.

There has been apparently no way in which those of us who have great concerns in this area are able to prevail upon this government to understand the concern which we have by the nature of market value assessment itself. It is important that we come to some conclusions on a uniform assessment across the province.

Mr. Drea: Come on, will you.

Mr. Riddell: Where did you want to go?

Mr. Speaker: Will the hon. member continue, please, on the principle of the bill?

Mrs. Campbell: Thank you very much, Mr. Speaker, the concerns which we have all had, of course, have been the very concerns which have been expressed by the member for Riverdale and by others as we review this legislation. There is no doubt that this has to be postponed because we have not yet come to grips with the very real problems contained in the principle of market value assessment.

We know without question that there are those properties which cannot be defined within this terminology. When we look at the fact that there would appear to be a proposed drop in the assessment factor for certain industries and commercial businesses, one does not have any sense of security that this in itself with the 50 per cent proposed allocated to residential properties gives that protection to the residential properties which is needed, and badly needed, if they are not to face the onus shift from the industrial and commercial to the residential. The minister has stated time and again that he has this concern and we have been waiting for that formula. Frankly, the formula as it has been brought forward does not assure that protection.

[8:30]

Considering some of the other statements which have been made recently with reference to the assessment on condominium property and the fact that they have been assessed as though they were tenants, I wonder if the minister realizes the growing mood of tenants in the large cities—in Toronto at least—to begin to question their assessments as a result of those statements made with reference to condominium assessment. I would like very much to see the minister come forward and say that he wishes to hoist this bill for much longer than one year so that we may be in a position to thoroughly understand how this type of assessment can possibly work without seriously endangering the residential homeowners.

Of course, as I understand it, I am also aware of the fact that this very hoist may be very discriminatory to those who are already functioning within the operation of market value assessment, and I see nothing in this to hoist their position so that they at least will only be assessed at the 50 per cent rather than at the full amount today. I'm not familiar with that particular position, because it isn't happening in my riding or in my municipality, but I would like to hear from the minister on those points.

Mr. Speaker: The hon. member for Wentworth.

Mr. Deans: Mr. Speaker, I am just getting last-minute coaching from my colleague.

Mr. Shore: You need it!

Mr. Deans: He's still my colleague, though; I can identify mine.

Mr. Renwick: On an entirely unrelated matter!

Mr. Deans: I want to say to the minister that I have had some worries about market values assessment for some time—worries about the way it's being done, about the assessment itself and about what is being assessed. It's opportune that this should have come up this evening, because I was speaking to someone on the telephone last evening who had just had their home assessed that day. They were surprised to see the assessor marking down on the form such things as the fact that they owned a colour television and other matters which didn't appear, to me at least, to have any relationship of any kind to the value of the property the assessor was supposed to be assessing.

I want to say to the minister that I would appreciate very much if, in his summing up

of the position of the government in this regard, he would take a moment just to outline again for us what it is that the assessors are supposed to be assessing. For example, up until the market value assessment programme began in the city of Hamilton, if a person owned an above-ground swimming pool, it was not considered to be a fixed asset.

Hon. Mr. Meen: Like yours?

Mr. Deans: Like mine, yes—and many other people's. It was not considered to be a fixed asset but rather a movable asset.

Mr. Shore: Do you rent it or own it?

Mr. Deans: On the other hand, if a person owned an in-ground pool it was considered to be a fixed asset and therefore was assessable under the assessment procedures. This is true of a number of additional things around the normal family home. I am a bit concerned about the assessment that we are talking about now is an assessment on those things that the individual chooses to do with his money rather than on the actual value of of the property itself.

I am beginning to feel more and more uneasy about what it is that the assessors in the province are, in fact, addressing themselves to. I think it would be very helpful if the minister were to take some time to discuss assessment. It doesn't have to be tonight since this bill itself is going to afford us ample time to have a further discussion on this. But I think that it might be in the best interests of the province and all of the property owners in the province if we were to have some time in the fairly near future to talk about assessment, aside from all other responsibilities that the minister currently has. I don't want to particularly talk about it during the estimates, for example. I would prefer to talk about it in isolation from other matters.

It seems to me, if what I hear is true, that the assessors are taking into consideration matters which they in actual fact have no business considering. If it is true, then it's time we had a serious look at the job that's being done across the province.

I want to say something else about this whole assessment matter. I don't know how the government can move to market value during a period when the market value of real property is fluctuating the way it is at the moment. I really don't. We've seen in the papers something that we all applaud, that is, the drop in the average sale price of homes. Many of us would like to think that that reduction in the artificially inflated price of real

property will continue and that we may, some time in the not too distant future, see homes again at a price that people can afford. I think it would be very unfortunate if we had some individuals who happened to be assessed at a time when their property was valued by some mythical or magical method at \$10,000 or more above what in fact it could get in the free market. We're seeing that situation now and therefore we're going to have built into the system all of the inequities and all of the problems that we already have in the existing system.

When the minister says to my colleague from Oakwood that he's concerned about the political statements that are being made by certain people and that's what makes his blood boil, I have a little difficulty feeling sorry for him. After all, nobody forces him to be a politician. If he doesn't like political statements and political discussion, then why doesn't he become something else, like an assessor? I don't understand his rationale.

Mr. Germa: Why doesn't he become a used car salesman?

Mr. Deans: I appeared before the Blair commission, as did others. I appeared individually and I made representation about some matters that were of concern to me, directly related to market value assessment. I'm of the opinion that it will not be possible to implement the market value concept in the province of Ontario in 12 months time. I'm of the opinion that the government is moving backwards so swiftly from the implementation of market value and from the proposals that now are before the Blair commission, that it's very unlikely that this government will be in a position in 12 months time to deal with the implementation and all of the implications of the imposition of market value assessment.

I really suggest to the minister one thing to bear in mind as he's looking at the proposals and the changes that might take place. I can appreciate as a concept in a theoretical discussion that the thought of assessing all of the properties on the same basis across the province of Ontario and doing away with the inequities that existed is very appealing. But I urge him not to forget that the system as it currently is, imperfect as it is, has built-in compensation factors.

For example, when a person buys a home he takes into account as he looks at the value of the home the cost, principal and interest, the taxes to be paid, the upkeep that might be required and the general maintenance that might be required. They equate that with their income capacity and they make a deci-

sion whether or not they can afford to buy. For many, they buy on the margin. They stretch themselves to the limit to get everything they can, everything that will satisfy their particular desires. If the minister monkeys around with the system shortly thereafter and comes to the conclusion that that has been under-assessed, he's going to detrimentally affect the lives of those people and so he's got to bear it in mind when he—

Mr. Renwick: Affect detrimentally.

Mr. Deans: Sorry, affect detrimentally. See, that's the benefit of having such a learned colleague.

Mr. Renwick: I'm frightened in case my leader hears you.

Mr. Deans: They affect detrimentally—he says he's afraid in case Stephen hears me—the very balance of the economies of those individuals and those families. So, while I say to the minister that just as when he spoke in the House of regional government and the great benefits that would flow from the economies of scale—does he remember those good days? How we were all going to benefit from the economies of scale of regional government. He travelled into my town of Stoney Creek, stood there on a platform and said, "By God, you'll all benefit from this." Well, we're waiting. We're waiting.

Mr. Drea: You have got a watch fob. You are not doing bad.

Mr. Deans: But I want the minister to know that the fears that I had about that concept—

Mr. Shore: You would never have had that chain—

Mr. Deans: —the fears that I had about that concept are similar now. The fears I now have about market value assessment are very similar to the fears that I had about the implementation of regional government. I'm afraid that theoretically it looks good; in practice, it's a disaster. It's a disaster and it affects people to their detriment. I don't happen to think that we should be rushing too quickly into this whole matter.

Mr. Drea: Don't you worry about having a watch fob and chain and saying this kind of thing?

Mr. Deans: I'm also pleased to have the member for Scarborough Centre with us, after having had a nice dinner, I'm sure. But I just want to say to the minister that there are real fears and I don't want him to underestimate them.

Mr. Drea: I don't wear a vest.

Mr. Deans: I don't want him to stand up and make statements about how it will prove to be beneficial, because there are as many different opinions on that as there are opinions at all. And an awful lot of us, having made the calculations—

Mr. Drea: Tell me, are you not going to pay your taxes this year?

Mr. Deans: If you want to make a speech, why don't you get up?

An awful lot of us, having made the calculations, have come to the conclusion that the implementation of market value assessment, given all of the other policy considerations the government currently has before it, would prove to be more of a detriment, would work more of a detriment on the capacities of people to meet their obligations, than it would be beneficial. I suggest to the minister not to be too hasty about it.

If he can, I'd like to hear just roughly whether or not what that individual thought he saw being written on the piece of paper is in fact true and if it has any bearing at all on the final outcome of the assessment of that property. I want to know why. If it doesn't, then I want to know why this person is nosing around in their private business.

Hon. Mr. Meen: Mr. Speaker, I have appreciated the observations from some of the members opposite. The member for Beaches-Woodbine (Ms. Bryden) made an observation, I think in her opening comment, about the postponement of market value assessment. She said, if I noted it correctly, "four or five times." I recall that it was postponed in the fall of 1973 to 1976 for a further two years. We are now postponing it from 1976 to 1977, in other words to cover the municipal taxation year of 1977.

A decision was made by cabinet back in March of this year and announced by the Treasurer (Mr. McKeough) in his budget of April 7 of this year. The purpose of this bill is to implement that statement that we would put over for the further year, 1977, the freeze on assessment and of course, following the expiration of the freeze period at the end of 1977—under the present legislation the freeze period would expire at the end of this year, but under this amendment it will expire at the end of 1977—we would be on a market value basis for the taxation year 1978.

[8:45]

There is no change in our policy. We are not deferring it again. I think the hon.

member, in talking about four or five times, may have been thinking that we announced one extension last April and that this was still another extension beyond that. This is not the case. This is the extension to implement the Treasurer's announcement along with budget paper E.

This will give the government the opportunity to—

Mr. Cunningham: Buy some time.

Hon. Mr. Meen: —hear the opinion of the Blair commission. It has given the Blair commission the chance to have a total of 27 different sets of meetings around this province, through the late spring, early summer and fall of this year. They completed those hearings, I believe, last week.

Mr. Renwick: What was the attendance?

Hon. Mr. Meen: It's possible that they have one more hearing to go—one that was adjourned or extended; I'm not too clear on that—

Mr. Renwick: What was the attendance?

Hon. Mr. Meen: —but my understanding is that they are virtually complete in their scheduled hearings. We asked them if they would report to us with their recommendations on the 15 proposals after hearing submissions from so many quarters, both individuals, various groups, municipalities and the like around the province. We asked them if they would let us have the benefit of their advice by the end of this month of November. They have indicated to us that they may not be able to make that date and that it may be December.

Mr. Renwick: It may be what?

Hon. Mr. Meen: It may be the end of December.

Mr. Renwick: Which year?

Mr. Riddell: You are not going to—

Hon. Mr. Meen: Now my hope is that we will have the benefit of their advice that soon, because it will take us a while to analyse their opinions and to make our decisions as to the policies to be adopted and put into legislative form for the package of amendments that would be required, not just to The Assessment Act but to The Municipal Act and related Acts, to The Education Act, and to quite a number of Acts. I don't have a total but as a rough guess I would suppose it would be around a dozen.

Mr. Renwick: Fifty.

Hon. Mr. Meen: How many did the hon. member say? Fifty? It's not inconceivable, I suppose, that we would be involved in quite a number of pieces of legislative amendments.

We will not rush into these things without a good deal of consideration, but the purpose of the Blair commission has been to give the kind of public input and dialogue which the Treasurer, the Premier (Mr. Davis) and I have been saying for months we wanted to have.

I'm starting to digress, Mr. Speaker, but inasmuch as the hon. members opposite have digressed substantially, I trust you will permit me to do the same. Proposal number one of budget paper E is so important that we're anxious to have the advice of the commission on that one which is the proposal that residential assessment should be set at 50 per cent of market value rather than 100.

The hon. member for St. George has touched on a subject which I've touched on many times over the years. One of my very first encounters with the hon. member was when she was senior controller, as I recall, for the city of Toronto at that time and finance and budget chief for the city.

Mr. Drea: What did she do?

Hon. Mr. Meen: In that capacity she appeared before the select committee on taxation, chaired by our colleague of earlier years, John White, who subsequently became the Treasurer of the province. She came before that select committee in the summer of 1968 and put a very compelling case, which confirmed the conclusions reached by the Smith committee, whose recommendations and report the select committee was studying. Namely, it was that if we went to market value without some kind of factoring, either of the mill rate applicable to residential property or of the assessment value itself on residential property normally taken at the market value level, there would be a substantial shift of the tax burden.

With the assistance of the hon. member and the city of Toronto's financial experts, along with considerable assistance from other quarters as well, the select committee concluded that a factor of approximately 70 per cent would achieve neutrality. In other words, if you set a mill rate of 70 per cent of the mill rate for industrial/commercial or, if you have a common mill rate, as we are proposing here, set a factor then on assessment at roughly 70 per cent of market

value rather than 100, it would achieve neutrality.

In order to be very sure and confident that there would not be a shift of the burden of taxation from the industrial and commercial sector on the one hand to residential on the other, we are therefore proposing 50 per cent, significantly below the 70 per cent figure which we believe will actually achieve approximate neutrality.

I say to the hon. member for St. George that there will be a shift of the burden in that direction because it's our belief and confidence that we will not see a shift of the burden to the residential quarter as a class. I think we all can see that there will be individual cases where properties have been substantially under-assessed and doubtless their assessments will rise.

There are other proposals among this group of 15 proposals, however, which we have asked the Blair commission to study as well—the five-year transition period, for example. We have indicated ourselves that we want to take a look at the Ontario tax credit programme to make sure that it is adequate. It may well be that it should be beefed up, if you will pardon the colloquialism.

Ms. Bryden: It's completely inadequate.

Hon. Mr. Meen: We believe these are the ways in which we can go in order to properly protect the taxpayers in the residential quarters.

The hon. member says she is waiting for a formula that will assure us. I say to her we think this kind of approach gives assurance and confidence that the burden will not land more heavily in the residential quarter and in fact may very well in some quarters, I suppose, shift in the other direction. The corollaries of that would be that if one disregarded all other properties being brought into the assessment base, of course the shift would be back onto the commercial and industrial sectors. One of the other principles which we are dedicating ourselves to is that perhaps provincially-owned properties, the universities and colleges, the registry offices, the courthouses and that kind of thing, will all be assessed and pay taxes as though they were privately owned.

The member for Riverdale raises an interesting suggestion with respect to the Blair commission and, with all respect, I must say to him that I don't think it's too practical though I was interested in what he had to say. The Blair commission by its terms of reference will complete its studies and will

let us have its report, as I have already said, by the end of this month. Whether it were practical at this junction to reconstitute the commission to determine whether fair market value really is the way to go would, I think, be taking us back at least 10 years.

The member for St. George herself has referred to the select committee and it was sitting, as I have just indicated, to review the report of the Smith committee. The Smith committee was set up in the 1960s to look into just such matters as that. The select committee unanimously concluded that fair market value was the only appropriate way to go. That is why we are moving on that front.

Mr. Deans: But they weren't talking about a grossly distorted marketplace.

Hon. Mr. Meen: Just a moment, I let the hon. member continue without interruption.

Interjections.

Mr. Speaker: Order, please. The hon. minister has the floor.

Hon. Mr. Meen: The hon. member for Riverdale has raised an interesting point with respect to properties that are not traded frequently in the marketplace. I suppose he would think in terms of things like registry offices and the like, but frankly there are methods of arriving at what can be called a market value for those properties. The Supreme Court of Canada has determined that the replacement cost and income approach to buildings such as that can be a perfectly appropriate way to arrive at a value. Let's face it, the owners of the property, whether they trade or not frequently in the marketplace, do have a belief as to what the properties are worth.

I must say, I was disappointed with the member for Perth in his reference to a speech which I made a while ago, and I'm sorry to see that he's not in his seat—

Mr. Riddell: He will be right back.

Hon. Mr. Kerr: Hasn't been around all week.

Hon. Mr. Meen: —because he misquoted what I have said in the sense of quoting me out of context. Of course I pointed out that market value is "just around the corner." But if he read to the House the entire speech, he will see that in that address I pointed out the schedule which we are following and that in fact we have the programme laid out for the report of the Blair commission by the end of this year: Our

study of the report, our conclusion as to the route we will follow, our legislative package in the spring, our market value assessment notices in late spring or early summer, a period of some months for study of those assessment notices, and subsequent reviews in the court are required under the Act.

I'm certain if the hon. member wanted to be fully honest with us, he'd admit that he knows perfectly well that the bill I have introduced and which we are debating here tonight is simply to freeze these assessments for that period of time so that we don't wind up being stuck with the market value mechanism on January 1, 1977, when we are ill-prepared. We do not have the legislation. At no time this year did we contemplate having the legislation in place for next year. It would be ridiculous to do other than to proceed as we have done now. Had we had a lesser version of legislative work in the spring this bill which we're debating tonight would have been introduced then rather than just in the last few days.

But to suggest that I flip-flopped in a period of six days after speaking to the Golden Mile Kiwanis, where he has quoted me out of context—In fact I laid out the whole programme and then six days later, when the House convened, came in and did exactly what I had told them I was going to be doing. This legislation implements what I had said I was going to do. To suggest that that's a flip-flop, I suggest, is less than fully honest with us here in the House. The hon. member for Perth would have had to rewrite his speech, I suspect, because—

Mr. Edighoffer: I didn't want to read it all. You said you were the province's pick-pocket, too.

Hon. Mr. Meen: —I think he didn't fully understand the bill until after he'd written his speech.

In closing, may I just say that I appreciate the support indicated from both parties opposite. The amendment as indicated will extend the period for the frozen assessments on the old basis for still a further year while we get the programme in place in the spring, eventually to go to market value assessment in 1978 as planned.

Motion agreed to.

The following bill was given third reading on motion: Bill 133, An Act to amend The Assessment Act.

CORPORATIONS INFORMATION ACT

Mr. Drea, on behalf of Hon. Mr. Handleman, moved second reading of Bill 136, The Corporations Information Act.

Mr. Drea: Well, he is not selling cattle.

Mr. Deans: Send for the minister.

Mr. Renwick: Mr. Speaker, subject to what my—Oh, my colleague, the House leader for the New Democratic Party, I have just managed to just catch him. I understand there was some arrangement being made with respect to the debate on these bills. Perhaps on a point of order my colleague might speak to the matter.

Mr. Deans: On a point of order.

Mr. Renwick: If my understanding is correct, I would be glad to move the adjournment of the debate.

Mr. Deans: What do want to do?

Hon. Mr. Kerr: Two minutes for recess.

Mr. Deans: My colleague would like to debate this with the minister, I think. I was wondering whether or not you were going to proceed through these bills to a vote tonight or were we going to do some other—

[9:00]

Hon. Mr. Welch: Mr. Speaker, I know that there are some other events that are of some interest and it becomes increasingly more important to view them. The understanding was, if I could share this with the House, that items 15, 16 and 17 would be debated and then it was the intention of the official opposition to divide the House with respect to this legislation. It may be that—

Mr. Drea: I don't think they will.

Mr. Deans: We think we would like to talk to the minister.

Hon. Mr. Welch: There may be some advantage in us proceeding with the debate on 15, 16 and 17. Then following the legislative discussion we could adjourn this debate in order to provide an opportunity for the reply on Thursday. Then the division could come on Thursday afternoon if that would satisfy the House at this time.

Interjections.

Mr. Breithaupt: Mr. Speaker, with respect to the point of order, I feel that if the parliamentary assistant has carriage of the bills, I would be just as content to have the matters

dealt with fully and a vote called this evening to dispose of the three bills. If, on the other hand, the minister is to reply, I would presume it would be well that we did not proceed in the absence of the minister. I think splitting it either one way or the other seems to me a bit awkward. However, I am prepared to go on whatever is wanted by the House. As I say, Mr. Speaker, I would prefer that we simply completed the matter.

I can advise the House that it is our intention to support the bills, so that it will be a matter that could be quickly resolved by a vote of the members present in the House at this point, much less than under a lengthy term of events.

Mr. Deans: It is not a matter of whether we want to deal with the parliamentary assistant or not. We are quite happy to on most occasions. The matter here is simply that we did in fact hope to be able to raise directly with the minister some rather important matters that we think he, himself, being the minister in charge, would like to respond to. We would simply ask if it wouldn't be possible to adjourn the debate and to proceed with it tomorrow.

Hon. Mr. Welch: It is not unusual of course in the absence of the minister to proceed with the parliamentary assistant. I think under the circumstances then perhaps we can proceed since we have time. I hope that we can proceed with orders 15, 16 and 17 tonight.

Mr. Renwick: Mr. Speaker, I assume that with the consent of the House we can deal with Bills 136, 137 and 138 because in substance Bills 137 and 138 are simply companion bills related to accommodating The Business Corporations Act and The Corporations Act to the proposed amendments to The Corporations Information Act.

Mr. Speaker: Perhaps we should call the three bills first of all then, to see if that is agreed. Is that the understanding?

Mr. Renwick: If it is agreeable.

Mr. Breithaupt: We are quite prepared to accept that approach, Mr. Speaker.

Mr. Speaker: Would the hon. parliamentary assistant then call the other two bills?

BUSINESS CORPORATIONS AMENDMENT ACT; CORPORATIONS AMENDMENT ACT

Mr. Drea, on behalf of Hon. Mr. Handleman, moved second reading of Bill 137, An Act to amend The Business Corporations Act.

Mr. Drea, on behalf of Hon. Mr. Handelman, moved second reading of Bill 138, An Act to amend The Corporations Act.

Mr. Drea: Both are very ancillary to Bill 136.

Mr. Renwick: Mr. Speaker, we are concerned about the thrust which is involved in The Corporations Information Act, 1976, and we intend to oppose the bill on second reading and divide the House.

May I indicate to the assembly our basic concerns about the bill? The present Corporations Information Act provides for an annual return of information by business corporations, corporations without share capital and others to whom that particular Act applies. It is now in an extremely simplified form. It requires a disclosure and an annual filing for public information purposes of the name of the corporation, the date of incorporation, the nature of the business actually being carried on by the corporation, the names, residences and addresses of the directors of the corporation, and the names for practical purposes of the principal officers of the corporation. It has long since been past history that other information which is of any significance is set forth in that return.

I think it is basically a matter of significance that the public, with what little information is available to them in the companies branch, should at least have the assurance that there is an annual requirement of filing so that when you walk into the office and you look at the annual return for the particular company if it is not up to date you at least know it is not up to date. The way you know it is not up to date is because if the annual return for the particular year, which has to be filed by—I forget, March 31 or May 31—within three months of the close of the fiscal year of the corporation is not so filed then you know that you run the risk of the information being entirely out of date. You can therefore ask and request and you know that you run the risk of the information being out of date.

I recognize that we have in the private bills committee of the assembly, because of the way in which charters can be revoked for failure to file the annual returns, been faced from time to time of applications by companies to have their charters reinstated because they have defaulted in filing their annual returns. Generally their solicitors appear and there's an expense involved in doing that and we generally reinstate the

charter of the corporation unless there is some good reason for not doing so.

I can understand that is a kind of nuisance to those companies that are subject to that particular penalty, but when you weigh that particular fact against the public need to know and have up to date information about a particular corporation and to know that it is as up to date as the date upon which the last annual return should be filed, then we find it difficult to support a bill which indicates quite clearly that that kind of information is not going to be available to us any longer.

We do not dispute that it has been long overdue for the government to require a system under which corporations, regardless of their corporate names, may use trade names of a multiplicity of kinds without any adequate registration provision. If the ministry had simply introduced that kind of legislation, it would have had the support of this party for that particular provision. I refer in this instance to section 2 of the bill which, if the bill does pass despite our opposition to it and goes to committee, we can discuss at the appropriate time.

There are other provisions in the bill, but all of them are relating to the proposition that the only obligation on the company to file information is when the change has been made. Now it is extremely difficult even now, because in most cases the filing of the annual return is left either with the solicitors for the company or the secretary of the company and tends to be overlooked even on an annual basis, but there is nothing in this bill which will indicate that that the requirement when a change is made is going to facilitate the memory of those officers responsible for the filing of the return to make certain that the return is filed.

However, those are relatively technical comments which I make about the bill and if that were the only basis for our opposition, we might simply say we will oppose the bill and we will oppose it on a voice vote and let it go at that because what does it really matter? The information generally required by this government of corporations is most basically irrelevant to the needs to those persons who search the corporate records. Whether it is one year old or four years old is relatively immaterial and it wouldn't have mattered, because the philosophy of the government with respect to the public disclosure of information about corporations resides somewhere in the last century, if not before the general acceptance of the corporate form of doing business.

I have personal concern about the bill because—I believe the parliamentary assistant may remember this. I'm not certain he was in the House because I believe it was about 2:15 in the morning one day that we discussed an amendment to the bill which was never proclaimed in force. The bill is the Act to amend The Corporations Act, which was in 1971, and if my recollection is correct late one night we tried to indicate quite clearly to the government that we considered that the annual information return of corporations was to do what it said, provide information. We moved an amendment at that time and the ministry accepted it.

Mr. Drea: No way, come on.

Mr. Renwick: Accepted the amendment at that time—

Mr. Deputy Speaker: Will the parliamentary assistant try to restrain himself? He will have an opportunity to respond later on.

Mr. Cassidy: He has great difficulty, Mr. Speaker.

Mr. Drea: Make him be accurate in his history, Mr. Speaker.

Mr. Deputy Speaker: It's not my responsibility to do that. That'll be yours when you're responding to the comments of the members.

Mr. Renwick: I'm not particularly interested in whether or not the parliamentary assistant considers what I said is accurate or not. I have the references here and I'll refer to them if it's necessary to jog his memory about what took place on that particular occasion.

We have always been concerned that where there is an annual summary of information and a public filing system related to corporations one should be able to go to that corporate filing system and find out, not only the names of those persons who are in control of the particular corporation—that is the directors of the corporation and the names of the principal officers and where they can be located—but that we should also know whether or not that corporation or the directors of that corporation are related or associated with other corporations, so that we could understand the framework of corporate activities within which that particular corporation was carrying on its activities.

We have urged that on a number of occasions and particularly on that occasion—and I just happen to have the particular Hansard available for December 14, 1972, at page

5809, where I quoted at some length our particular concern. I moved a particular amendment which provided that The Corporations Information Act would be amended at that time. The minister of the day, the former Minister of Consumer and Commercial Relations, Mr. Clement, accepted the amendment.

The amendment is enshrined in a statute and the statute provides that the annual return would provide

the names and residence addresses, giving street and number, if any, of the directors and the date on which each became a director; and where the organization is a corporation with share capital, whether or not (1) each director is a resident Canadian; and (2) each director is a director of any other corporation related to the corporation as determined under The Corporations Tax Act, 1972; and if so the name of such related corporation and the jurisdiction of its incorporation.

Those particular amendments were passed, and the bill received royal assent and was to come into force on a date to be named by the Lieutenant Governor by his proclamation—and, of course, even with the acceptance of the government it has not come into force and was never accepted; it was never proclaimed and therefore we never had the kind of information available which was essential to anybody who wanted to search the corporate records.

[9:15]

So our first elementary concern is to be absolutely certain that when a person goes to the companies division and searches the public records with respect to a corporation, he knows whether that corporation is related or associated in terms which are used in the corporate tax structure of the country to prevent tax evasion or within the framework of those terms as defined in The Securities Act to make certain that there's proper disclosure. We have been concerned that we should be able to find out those particular situations.

The second reason why we are going to vote against the bill results from our inquiries. If the government is able to answer these inquiries, then we'll take that into consideration. But we have inquired of the Canadian Federation of Independent Business whether or not there had been any consultation with that organization about the vaunted aim of the government to cut down the so-called paperwork between companies and the government of Ontario in order to

remove something called bureaucratic red tape. So far as we are concerned, there was no such consultation of any kind in order to determine whether this was a worthwhile move in the light of the minister's statement before this session reconvened that they were going to take steps to eliminate some of the paperwork to which the so-called small business was subject in the province of Ontario.

I think it is fair to say that we in this particular party consider that if that is a legitimate objective of the government, this is not the way in which you go about it. The proper way in which you go about it would be to make a systematic assessment of all the paperwork requirements imposed by the government of the province of Ontario, mainly under the taxing statutes, not under The Corporations Act, with respect to the flow and interchange of paper which is required, the time which is taken up by the businesses in complying with the requirements of government and not to suggest for one moment that the single filing on an annual basis of a simplified form of basic information, inadequate as we may think it would be, would be sufficient under the circumstances.

At this particular point in time, when we feel that there is at least an atmosphere which must impinge upon the government of Ontario, we are concerned that there should be more disclosure of information to the public about bodies such as corporations and by the government itself. We are particularly concerned that the government should at this time decide that it is going to eliminate the requirement of annual returns by companies to provide the minimum amount of information which is presently available.

I think it is fair to say that so far as the significant corporations in the country are concerned the federal law now makes the requirements which we think should be expanded and developed so that we understand the nature of the corporate structure in the country. But to suggest for a moment that this government, disguised as being of assistance to the small businessman, can introduce a new Corporations Information Act at this point in time and ask this party to accept it is beyond our particular belief.

I want to know whether this government is at all interested in having corporations disclose, first of all, whether other corporations are related or associated with them, either directly or indirectly and either above them in the corporate structure, side by side with them in the corporate structure, or below them in the corporate structure. I want to

know that when I go to the corporate records office and look at the file of any company I can find out the whole of the web of corporate interconnections that are involved with that company.

I also want to know whether or not the directors and the officers of those companies are persons who hold similar positions or have similar status or hold similar offices with the same network of companies. Otherwise there is no way except by happenstance that we can find out the kind of information which was available to this House with respect to the relationships of ITT, to the company in Oshawa, Malleable Iron, and to the company which over the weekend was the subject of such notorious press as in the Toronto Star with respect to the discharge of employees.

I think it is a minimum basic common-sense, decent requirement that the government should put into effect that kind of corporate information return which will disclose that information. When we have that kind of information, then we'll be able to discuss intelligently with the government whether or not there are other ways in which the impact of the paperwork can be lessened on the corporations which do business in the province of Ontario.

We reject the proposition that the government can, by introducing this bill, suggest for one single moment that the small businessman in any way is relieved of a basic requirement of the privilege of doing business in this province by way of the corporate form that we should have up-to-date, current information in a minimum sense about who the persons are who control us.

The bill is inadequate. I can't understand what in this day and age, in this world of corporate interconnection, why the government should think they can set the clock back by introducing this kind of legislation. We reject it and we will oppose it on second reading.

Mr. Cunningham: As my House leader has indicated to the members of the House not too long ago, we will be supporting Bills 136, 137, 138 in principle.

After reading between the minister's opening lines, I guess on October 26, I came to realize, as I suppose the member for Riverdale did, that the real purpose for these amendments might be to reduce the cost of the administration of the programme itself—

Mr. Drea: It's not true.

Mr. Cunningham: —and that the costs, which we're not entirely sure of, would likely

far exceed the revenue that we have ever in the past derived from it. Therefore the government has eliminated the annual returns and is heralding it as a break for small business.

My own personal feeling would be that this would be for the ministry's own benefit. I would share with you, Mr. Speaker, and through you to the parliamentary assistant for this minister, his statement of October 26 from Hansard. He said: "The cost of enforcing the existing legislation has been climbing steadily. Under the new amendments even when the \$10 filing fee is dropped, the net administrative cost will be lower." I think, with respect, Mr. Speaker, that is basically the thesis or the subject of the exercise as it relates to the government's movement on this bill.

The purpose of these amendments is to eliminate the filing of annual returns, and to require new returns only where certain information has been changed. I think that that is a move to common sense and one that people in my party at least are drawn to. Basically I think we should support this since it reduces a lot of paperwork for small businesses. That is, I think, where my interest specifically lies. I don't think we need to feel too sorry for the larger, multinational corporations who will certainly have the fiscal resources, but this will affect every small businessman in the province and I think be of considerable assistance to him and possibly some personal saving.

The number one complaint of small businessmen across Canada, especially in the province of Ontario, would be the amount or the extent of paper work required for both provincial and federal governments. This \$10 filing fee is dropped with the elimination of the annual return. There is apparently no increased load for larger corporations since they were always required to file changes of information but there was no charge for that.

It appears to me a lot of the work is necessitated in the constant revision of a large corporation's director and officer information changes. Just in reading the *Globe and Mail* on a continuing basis, it's quite obvious that a great deal of movement takes place within that particular sector. I looked in the *Globe and Mail* today and I noticed that 10 or 11 companies announced 15 appointments. I have a list attached. I would think that possibly these changes of information filings might be made more easily by requiring a monthly or quarterly reporting rather than a report for every change.

I also see that these amendments, if passed, would tighten the regulation of the use of any other name other than the corporate name. In all business transactions a company must now use its legal corporate name as well as its usual name. I think that would be of advantage to people who are interested genuinely in finding out whom they are dealing with and certainly would reduce the incidence of tax evasion, as the member for Riverdale very adequately spoke to.

I think it would also apply more to small businesses since they are more apt to go by another name than a larger corporation. Possibly a change such as this might take away some of the personal element that has heretofore been attached to a transaction with a small businessman. It might remove that friendly, personal touch that is characteristic of the smaller businessman today and that might prove to be somewhat damaging since it can be the essence of a smallscale transaction. However, we do support a move to eliminate the burden of paperwork required from small businesses.

Apparently the cost of administrating the previous system was greater than the revenue derived from it. I would be interested if the parliamentary assistant to the minister would explain or share with us possibly statistically some direction as to what kind of revenues they have had from that and approximately what kind of costs have been involved in the past. It's encouraging to me to see a government that has been at least in the past very interested in involving itself in almost every facet our life to tend in this very tangible way to reduce the amount of government interference that we see on a continuing basis.

Certainly I would like to say that I don't share the concern of the member for Riverdale about the reinstatement process. My personal feeling would be that if you can't make your return appropriately within a period of five years, then there is something wrong with the operation of your company. Likewise, as one who has listened to the arguments of the Canadian Federation of Independent Business, I support many of their points of view, especially on truck transportation. I am not unduly concerned that they haven't consulted that particular group. I think it is not incumbent on any government to consult either that group or any other sector. The bill is before the Legislature and I think it is incumbent on groups like that more or less to approach us.

I find Bills 137 and 138 to be complementary to Bill 136 and they will provide for cancellation and dissolution of a company for

either non-payment of taxes or failure to file the appropriate notice on demand. I see the member for Scarborough Centre waving at me frantically. I'm not sure whether he wants to go down and cheer for a particular candidate tonight.

Mr. Drea: I don't want you to make a fool of yourself.

Mr. Cunningham: Possibly I will stop at this time, indicating that we have indicated our support for these several items of legislation which we have graciously decided to favour.

Mr. Cassidy: That was an extraordinary speech, I think you will agree, by that member of the Liberal Party. There used to be a fine tradition of liberalism in this country and in England, which was devoted among other things to trying to make the market system work and trying to do so in an atmosphere of free and unfettered competition in which every participant had as full information as possible about what happened. The member for Wentworth North, however, has suggested that he doesn't think that small businessmen should have been consulted. He is not concerned about the lack of disclosure involved here. He doesn't think there is room to make any improvements in corporate disclosure in the province. It's the dark ages. It may be Toryism, it isn't classical liberalism and I don't think it is good politics.

[9:30]

Mr. Cunningham: You people would regulate everything.

Mr. Cassidy: I would like to suggest for the legitimate small businesses, behind which the member for Wentworth North was presenting himself, the obligation of annual reporting with nothing more than a letter and 10 cent stamp every year; nothing more than that. I would like to suggest that the real beneficiaries from this particular piece of legislation, the people for whom the Liberal Party is getting in bed with the government, are the fast-buck operators, the foreign land purchasers who use dummy corporations, speculative land developers and purchasers around areas like Toronto and Hamilton, fly-by-night business venturers, speculative mining venturers, people engaged in corporate pyramiding, dividend strippers and people who are engaging in creating tax havens in foreign climes and need several corporations through which to put the profits.

These are typical people who are responsible for an enormous number of the cor-

porate registrations in the companies' branch in this province. These are the people whom the member for Wentworth North would protect when he talks of small business.

I would like to suggest if we can get this kind of corporate riff-raff out into the open, then Ontario will be a better place to live and a better place in which to do business. It would seem to me that it shouldn't be only the NDP, the socialist party in this country and this province, which is making that particular point. The people who have somewhere behind them a tradition of liberalism should also be supporting that particular point of view. The creation and growth of a small business in this province typically requires no more than perhaps two or three related companies and they would be related in a very straightforward way, and that is all.

The kind of material which is being hidden deliberately right now because of the corporate non-disclosure laws of this province is material which is in the public interest, I suggest, and which should be accessible to the public. I would like to suggest that limited liability has traditionally, and is now, a very great privilege which was given to people who wish to create a company. The creation of the concept of limited liability in the economic history of the western world led to an enormous growth in economic activity. It allowed people to take risks they did not wish to take if the penalty was total bankruptcy or total ruin.

With that very great privilege of limited liability I suggest there goes responsibility. The responsibility which is put on corporations in this bill I say is absolutely minimal. In fact most corporations have to reveal far more in the normal course of business in order to stay in business because of their need for credit rating, their need to do business with other corporations and so forth.

Corporations are normally quite thoroughly inspected by rating agencies such as Dun and Bradstreet and these results are in turn made available, not just to a very select clientele but to a very broad range of the business community. Any person or corporation that has a need to know a credit rating can get it, and that credit rating is based on financial information which will not be accessible to the general public because of the government's refusal to enact any of the provisions that were suggested by the NDP four years ago or to enact a progressive disclosure policy. I would suggest to the parliamentary assistant that in a modern industrial state such as Sweden this disclosure goes so

far as even to include individual tax returns. Whatever the member may think of Sweden, it is an industrial democracy which has had—

Mr. Drea: I understand you went to a certain—

Mr. Cassidy: —enormous success in the economic sphere and whose industry is competitive on a worldwide basis. The argument that this kind of material cannot be disclosed, it seems to me, is pure rubbish and balderdash.

Mr. Drea: They threw your party out a month ago.

Mr. Cassidy: After 43 years, by one half of one per cent of the vote. I would suggest that the turning against the Social Democrats in Sweden—

Mr. Drea: They threw you out.

Mr. Cassidy: —was picayune compared to what happened to the Conservatives here in Ontario on September 18, 1975.

Mr. Drea: You can't go back there tomorrow; they threw you out.

Mr. Cassidy: I would like to suggest that physically the bill needs to be amended so that in addition to the material which is already provided, any corporation would also be required to reveal the identity of any corporation or person who owns five per cent or more of any issue of share capital of that corporation. In addition, any corporation of which the company owns five per cent or more of any class of the shares—

Mr. Shore: You read very well, Mike.

Mr. Cassidy: —should also be disclosed—My own notes too. They don't come from our research department—and third, in a manner to be determined by regulation, the name of the chief corporation and the network or series of related corporations, the controlling corporations, should also be revealed as part of the corporate record for any company which has the privilege of limited liability in Ontario.

I would like to further suggest that in line with the federal requirements under The Corporations and Labour Unions Returns Act any company in Ontario with assets over \$100,000 or with annual sales over \$250,000 should also be required to file annually its most recent operating statement about profit and loss and its most recent statement of assets and liabilities.

Mr. Cunningham: What about the kind of toothpaste they use?

Mr. Cassidy: I am not sure whether there should be any exemption for smaller types of business. But at this time I think the question of whether smaller businesses with assets below the \$100,000 level or annual sales below \$250,000 should also be included, that is something which perhaps deserves—

Mr. Shore: You would have to start filing, Mike.

Mr. Cassidy: —further study. But any company which is that large in the economic sphere in this province, it seems to me, should be required, as a condition of the very great privilege of limited liability, to report. I see the new Conservative member for the London area, Mr. Shore, agreeing with me on that particular point and I am glad that he is capable of that—

Interjection.

Mr. Cassidy: —particular point of view. I would just close off, Mr. Speaker, by announcing that Governor Carter has 52 per cent of the popular vote, President Ford has 47 per cent and Carter is leading Ford in the electoral college by 111 to 33.

Mr. Cunningham: What about the weather, Mike?

Mr. Cassidy: Now, that's going to lead to some major legislative changes in the States. Let's have a few up here.

Mr. Ruston: The member for Riverdale is supporting Ford.

Mr. Cassidy: We always fight for the underdog.

Mr. Drea: Mr. Speaker, I would like to wind up on this particular piece of legislation even though it involves two other bills which are ancillary. I think everybody agrees on that. There are really only three points. One, we have—

Mr. Warner: What is next? One—

Mr. Drea: Okay, one—

Interjections.

Mr. Drea: Mr. Speaker, the intent of this bill is to ease the burden upon small businessmen about having to file annually which is a very large red tape procedure. It is to enable them to put in one documented record. When they change it at any future time, they will just make the particular changes.

Two—this really bothers me. I have been very patient. I have listened since five to 9 tonight. I have really listened. The whole point of this bill is that for the first time the consumer will know where to go if a remedy is required. We say that they are going to have to put their whole name down, the corporation name down. It may be very bad in the meat packing business because I see somebody over there with his arms out.

For the first time, when somebody has a cause for dissatisfaction, there is going to be a letterhead with a name and an address and that will make it very much easier for the consumer whether he wants to express his dissatisfaction by mail or wants to do it by personal service. There is an address and that is where the corporation is.

We are not altogether Draconian. After listening to the member for Riverdale tonight—well, I am very glad Hallowe'en was the other night; I could have said something.

Mr. Warner: We scared you.

Mr. Drea: We are not altogether Draconian. If somebody wants to go into business and he wants to use a style of business or to say he has a product, okay; and if he wants to use his name in it, that's okay too, and he sells it. But when there is a consumer who is dissatisfied, notwithstanding the fact that this government is flexible enough on behalf of small business people to give them the same privileges which, when I look across the floor, they would only reserve for those who are very big—

Mr. Cunningham: Where are you looking?

Mr. Drea: —nevertheless, the consumer will have on the letterhead where to complain to and, if it goes beyond a complaint, where to go for service.

Mr. Cassidy: If they write back.

Mr. Drea: Oh, you know. You're terrific.

Mr. Worton: Don't let him get to you, Frank.

Mr. Deputy Speaker: The parliamentary assistant will ignore the interjections.

Mr. Drea: Okay. Three: We are wiping out the annual return for corporations. My friend from Wentworth was asking about the cost of that. With the \$10 fee they have to pay under the old law, the revenue on it is \$1 million a year. While we are forfeiting that I would suggest to my friend that if I did some cost studies I think I would find that in the first year we would start breaking even. We must

have people to take care of those computers, etc. The anticipation, as I say, is that we will break even, that there will be no loss. But in the next year, the year after and the year after that—and let's forget about the service to small business—we will be able to show the hon. member that we have saved money. I thought that was a very valid question and I wanted to answer it.

Mr. Speaker, next to the family farm, the most cherished institution in this House is small business. We all stand up here and talk about how we are going to do something for small business and about how we are really speaking on behalf of the 90 per cent of the businesses in this province that are small. I know there are some who want to socialize them. There are some who think about the big picture. There are some of those who by their very ideology like to have big companies. But when we talk of small business, we are talking about nine out of every 10 businesses in this province. Mr. Speaker, knowing you very well, I want to tell you I am going to be very proud tomorrow morning. I am going to a breakfast with small business people. They are going to ask me, "What have you done lately?" I am going to say, "We put this through last night and we are going to save you money. We are going to save you filling out those forms. We are going to save you a lot of things."

Mr. Cunningham: Ten dollars.

Mr. Warner: They won't believe you.

Mr. Drea: I understand why the member for Riverdale is upset. I am going to a breakfast in his riding and he is very upset. That is why all these games went on tonight.

Hon. Mr. Snow: Oh, I wouldn't say that.

Mr. Warner: When does the hon. member get logical?

Mr. Shore: Quiet down—

Mr. Drea: Mr. Speaker, I have gone through the very logical points of this bill. I have tried to answer the only intelligent question that was asked tonight, the one from my friend from the Liberal Party, the member for Wentworth North.

[9:45]

Mr. Cassidy: You haven't said a word about disclosure.

Mr. Drea: I haven't said what? You know you're going to divide the House. Come on, Cassidy, come on. Tell us what you want to

divide on. You're going to vote against it? Cassidy, you are really going to vote against this bill?

Mr. Deputy Speaker: Order, please. Will the hon. member refer to another member by his riding name rather than his own person?

Hon. Mr. Snow: Just don't answer him.

Mr. Hodgson: Toronto Island or Ottawa Centre?

An hon. member: Where are you living now, Mike?

Mr. Drea: Mr. Speaker, I would like to talk to the member for Ottawa Centre. I understand the member for Ottawa Centre is going to vote against this bill. I understand that. If he doesn't, then I am perfectly prepared. I will apologize subsequent to the fact that he hasn't voted against it. I would suggest that of all the bleeding hearts of all the small business, the pleadings of all the non-big international corporations, of all the non-big multi corporations. I've been here for five years. I have listened to the member for Ottawa Centre. I will tell you, tonight I am going to watch how he votes. And for the first time I'm going to use my mailing privilege. I'm going to use my mailing privilege. If he votes against this I am going to send this speech out.

Mr. Cassidy: Send mine too.

Mr. Drea: Yes I will: I'll send yours too.

Mr. Cassidy: Okay, and it will tell how you are helping the big—

Mr. Deputy Speaker: Order, please. The hon. parliamentary assistant will ignore the interjections and address his remarks to the Chair, please.

Mr. Drea: In summary, I think that Bill 136, which is the primary bill, is an excellent bill.

Mr. Cassidy: You're supporting corporate covertness.

Mr. Drea: Bill 136 is an excellent bill. It does three things. One, it relieves some onerous duties upon small business in this province. I would think from all of the people who have talked about doing something for small business over the years, that we can all stand up and take a bow, because we have done something. We will save people money.

Second, it is a much more efficient type of corporate information. It will provide exactly the same type of detail.

Mr. Cassidy: Just inadequate, totally inadequate.

Mr. Drea: And to the consumer it will provide a place where if you don't like what the corporation is doing to you there will be an easy remedy. You can write them a letter of complaint; you can go to the courthouse and they will be able to serve them. Because, mark my words, every single corporation in this province will have to put on their letterhead not only their name, not only their style of name, but also their address and where they can be located.

Mr. Warner: What corporations are you referring to?

Mr. Drea: I can understand that there are some of those across from here who have made a living out of finding out where people live or where their corporation is; I can understand that. I can understand how some lawyers have made a very good practice out of how to look for it on Yonge Street and what is the number.

Mr. Cunningham: That's fine and dandy.

Mr. Drea: From now it's going to be on the letterhead and that should be of great benefit to the consumer.

Third, instead of going on with the annual return and all the costs involved, when there is a change the change will be filed with the government. We will be able to provide that to people. We are not asking for an additional fee.

And, just one last thing on behalf of small business. You know, you start out and you have yourself, your wife and maybe the secretary in the law office. Those are the three directors. A year from now maybe you start to make some money. Maybe you're doing very well, and you want to change the direction. I'm going to tell you, you can change the direction now free of charge. Just file us the information. We are not going to penalize small business in this province for making a profit. I know that's total anathema to the whole bunch of them over there.

Hon. Mr. Davis: You are against the small businessman.

Mr. Cassidy: You know, he's a real embarrassment to you guys. He should resign.

Mr. Deputy Speaker: By prior agreement—

Mr. Drea: I can't hear you, Cassidy.

Mr. Deputy Speaker: —it has been agreed to deal with these three bills at the same time.

The House divided on the motion by Mr. Drea for second reading of Bills 136, 137 and 137, which was approved on the following vote:

AYES	NAYS
Auld	Angus
Bernier	Bain
Breithaupt	Breaugh
Brunelle	Bryden
Campbell	Cassidy
Cunningham	Davison
Davis	(Hamilton Centre)
Drea	Deans
Eaton	Ferrier
Edighoffer	Foulds
Ferris	Germa
Gaunt	Gigantes
Gregory	Grande
Grossman	Laughren
Haggerty	Mackenzie
Handleman	Makarchuk
Henderson	McClellan
Irvine	Philip
Johnson	Renwick
(Wellington-	Sandeman
Dufferin-Peel	Warner
Johnston	Ziemba—21.
(St. Catharines)	
Jones	
Kennedy	
Kerr	
Lane	
MacBeth	
Maeck	
Mancini	
McCague	
McKeough	
McKessock	
McNeil	
Meen	
Miller	
(Muskoka)	
Newman	
(Durham York)	
Newman	
(Windsor-	
Walkerville)	
Norton	
Parrott	
Rhodes	
Riddell	
Ruston	
Scrivener	
Smith	
(Hamilton Mountain)	
Smith	
(Nipissing)	
Snow	
Spence	
Stephenson	

AYES

Taylor
Timbrell
Villeneuve
Welch
Williams
Worton—52.

Ayes 52; nays 21.

[10:15]

Mr. Deputy Speaker: Shall these bills be ordered for third reading or committee?

Mr. Drea: There is no committee. Mr. Speaker, in all seriousness, everything has been discussed within about 25 lines of all the bills.

Mr. Deans: All we want to know is which committee.

Ordered for committee of the whole.

Hon. Mr. Welch: Mr. Speaker, I know there is to be some further debate because of the notice filed by the member for Hamilton East (Mr. Mackenzie). Before others—

Mr. Mackenzie: I hope they will stay to listen.

Hon. Mr. Welch: —assuming that the Ministry of Natural Resources will be completing its estimates tomorrow afternoon and therefore the Minister of Labour (B. Stephenson) will—

An hon. member: Don't count on it.

Hon. Mr. Welch: Is that not a fair assumption? I tell you why I have to put it to you this way—

Mr. Renwick: Why do we have House leaders?

Hon. Mr. Welch: That's right. I am not trying to suggest this is what you are going to do or not do. I understand there was some agreement. My main point in serving notice as to what we will do on Thursday is if the Minister of Labour is not before the estimates committee on Thursday afternoon, then the first order of business on Thursday will be order No. 18, which is her legislation. If she is in the estimates committee, it will not be possible to call order 18, so we will leave it that way. Orders 19 and 20 can't be called until the Ministry of the Attorney General is completed in the Justice committee. We will therefore do orders 21 to 28 inclusive, as time permits, on Thursday, but we will start with order 18 if the Minister of Labour is available to us.

SINTERING PLANT EXPOSURE CRITERIA

Mr. Deputy Speaker: As announced earlier, the member for Hamilton East (Mr. Mackenzie) has indicated that he is dissatisfied with the response given by the Minister of Labour (B. Stephenson) to his question concerning compensation criteria for sintering plant workers. I now deem that a motion to adjourn has been made and I recognize the hon. member for Hamilton East for five minutes.

Mr. Mackenzie: Last Thursday I asked the Minister of Labour how she could justify the comments of a spokesman for the Workmen's Compensation Board, Jack Hollingsworth, as reported in the news media that—and I will give the quote that was attributed to him—“The board requires proof of a six-month exposure for sintering plant workers in Sudbury prior to 1952 and a one-year criteria for Port Colborne workers”.

When I asked the minister about that in the House, her reply was:

Mr. Speaker, it was my understanding that the six-month criteria had been used for the sintering plant in Copper Cliff until 1952, and that when the process was changed at that time and was made similar to the process used in Port Colborne, the same one-year criteria was utilized in both of those areas from the year 1952 on.

That is not an answer to my question. My question very clearly was why there were different criteria as outlined by the board's spokesman, criteria backed up by the workers involved. The workers signed a process claim for nasal cancer—the sintering plant workers in the Sudbury area, the Copper Cliff plant and at the Port Colborne plant.

I talked today, just to be sure of my ground, to Maurice Keck who has been fighting for a number of years on behalf of the workers in Port Colborne in attempting to try to establish the same criteria as used for the workers in Sudbury. The fact is that in Sudbury and Copper Cliff they do establish a Workmen's Compensation Board claim based on six months' exposure and have done it relatively recently. Six months and two weeks was the last case the boys at the local in Sudbury gave me. They have not yet been able to establish it and they have been trying for a long time in the Port Colborne area.

Furthermore, they tell me that they have been to see Michael Starr and Dr. Stewart about it. It is not something new. It is something the minister should have known about. As a matter of fact, when it becomes a front-page headline story in the paper it would

seem to me that somebody should be advising the minister as to what the facts are.

In talking to Mr. Moreau of the local in Port Colborne, who was up today in Sudbury, along with some other safety people from both the sintering plant areas—he called me back from Sudbury following my conversation with Mr. Keck and told me very clearly that double standards exist, and not necessarily beyond 1952. I can't verify this particular point, but he tells me that since 1952 and right up to this present day there has been a double standard for the establishing of a claim for sintering plant workers when it comes to nasal cancer.

Mr. Speaker, I am more than a little concerned about this. I think it's time the minister got her act together and got the Workmen's Compensation Board together on this issue. We'd like to know exactly what are the criteria. We'd like to know why there is a standard that allows a claim to be established on the basis of six months in one place and not in the other. Even if she had been right—and my information now, based on the 1952 date, is that she's not—why, prior to that, would there be six months in one place and a year in the other? I took the trouble to do some checking with some of the workers—and we have their names—who have worked in both plants, including some of the old-time workers going back prior to 1952, and they tell me that, if anything, the conditions in the sintering plant in Port Colborne were worse than the sintering plant conditions at Copper Cliff.

One of the reasons I was upset about this and why I think the House has got to get straight answers on these kinds of questions, is whether the minister realizes it or not—and while I sound and am a little agitated, Mr. Speaker, I mean it sincerely—there is a feeling on this side of the House that when we get answers to questions, they're either flip or not too well thought out or somebody hasn't been given the correct information or somebody maybe doesn't really feel this side of the House deserves a straight answer.

The minister can't get away with skating around an issue as she did in the answer to that question. I think the minister has got to start giving serious answers to questions that are asked seriously. That was not the case in the answer to that question, which is certainly of a lot of importance to the workers in both of those areas who have been trying to establish these claims for a long time. I don't think that's too much to be asked for in this House. As far as I'm concerned, if I get an answer like that and somebody's going to skate around it—

Mr. Deputy Speaker: The hon. member's time has expired.

Mr. Mackenzie: —then we're going to be up here at 10:30 every time there's a question asked and we don't get the right answer.

Mr. Deputy Speaker: Would the hon. minister care to reply?

Hon. B. Stephenson: Mr. Speaker, I can tell the hon. member that I shall not be the least bit perturbed about answering questions at 10:30 or at any other time and I will attempt at all times to provide him with straight answers, which is precisely what I did at the time he asked the question.

If he would like more detail, I should be glad to provide it for him. The process and the format upon which the Workmen's Compensation Board functions at the moment, in terms of sinus and nasal cancer in those individuals who have been exposed by working in sintering plants, was established first in 1961 as a result of the study done by Dr. Sutherland of the Workmen's Compensation Board, and was amended in 1972 following an investigation carried out by Dr. Mastromatteo, at which time he made recommendations to the Workmen's Compensation Board, which were accepted totally by the Workmen's Compensation Board without any change at all.

The reason for the apparent difference is that indeed sintering and calcining operations were commenced in Inco operations at Port Colborne in the era prior to 1952 and were finally phased out at Port Colborne in 1958. During this interval of time, commencing in 1948, sintering but not calcining was commenced at Inco Copper Cliff. The sintering operations were in the developmental stage for approximately four years, up to and including 1952. In 1960, when Dr. Sutherland studied these two specific situations on behalf of the board, it was judged at that time that indeed the period between 1948 and 1952 at Copper Cliff had been a phasing-in period and had been, and I quote, "a dirty startup"—much more so than was ever apparent in Port Colborne in the eyes of the people who investigated the situation at that time.

It was decided that as a result of these studies, there was a board order developing the format which was used for the following period of time. It recognized the causal relationship between the exposure within the plants and the finding that at Port Colborne sintering and calcining operations, sinus cancer cases would be considered for acceptance with an exposure factor of one year

and a latency factor of one year. For those workers following the year 1952 at Inco at Copper Cliff, exactly the same criteria would be established, but because of the excessively dirty conditions between 1948 and 1952 a six-month period of exposure would be requested only for those at Copper Cliff who had been exposed during the startup phase.

In 1968, the same criteria were again applied to both plants. In 1972, Dr. Mastromatteo investigated the entire situation and made recommendations, as I suggested, to the board on the basis of the new evaluation of the data. A revision was considered at that time and, in fact, was introduced. He also agreed that there had been a dirty startup period at Copper Cliff between 1948 and 1952. He recommended that exposure at Port Colborne be revised to an exposure factor of one year, still without the latency factor, for the period of time that the process had been in effect at Port Colborne and that the same situation apply to the Copper Cliff plant, that six months be the exposure between 1948 and 1952 and one year following 1952. He also made some suggestions regarding lung cancer which were accepted totally by the board as well.

This is the current status of the guidelines which are being used by the board upon the recommendations of two qualified investigators. Dr. Mastromatteo was at that time the director of the environmental health services branch of the occupational health protection branch of the Ministry of Health and apparently these criteria have continued to be utilized.

I am aware that Dr. Mastromatteo is concerned about this at the present time and I also understand that he is again examining these factors. Whether he will recommend any changes I do not know, but at the present time there are valid reasons for this apparent basis of difference between the criteria used at Port Colborne and the criteria used at International Nickel at Copper Cliff and they have been supported by one of the experts in industrial and occupational health in the province of Ontario.

I think that this is an adequate reason for the basis upon which the board functions at this time. I am sure that the board will, in fact, if any expert makes recommendations, consider those recommendations seriously in the future.

Ms. Gigantes: What about common sense?

The House adjourned at 10:30 p.m.

CONTENTS

Tuesday, November 2, 1976

Assessment Amendment Act, Mr. Meen, second reading	4365
Third reading	4374
Corporations Information Act, Business Corporations Amendment Act, Corporations Amendment Act, second reading	4375
Debate re answer to oral question, Mr. Mackenzie, B. Stephenson	4385
Adjournment	4386

SPEAKERS IN THIS ISSUE

Breough, M. (Oshawa NDP)
 Breithaupt, J. R. (Kitchener L)
 Campbell, M. (St. George L)
 Cassidy, M. (Ottawa Centre NDP)
 Cunningham, E. (Wentworth North L)
 Davis, Hon. W. G.; Premier (Brampton PC)
 Deans, I. (Wentworth NDP)
 Drea, F. (Scarborough Centre PC)
 Edighoffer, H. (Perth L)
 Germa, M. C. (Sudbury NDP)
 Gigantes, E. (Carleton East NDP)
 Grande, A. (Oakwood NDP)
 Hodgson, W. (York North PC)
 Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
 Mackenzie, R. (Hamilton East NDP)
 Makarchuk, M. (Brantford NDP)
 Meen, Hon. A. K.; Minister of Revenue (York East PC)
 Newman, B. (Windsor-Walkerville L)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
 Renwick, J. A. (Riverdale NDP)
 Riddell, J. (Huron-Middlesex L)
 Rowe, Hon. R. D.; Speaker (Northumberland PC)
 Ruston, R. F. (Essex North L)
 Shore, M. (London North PC)
 Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
 Stokes, J. E.; Deputy Speaker (Lake Nipigon NDP)
 Warner, D. (Scarborough-Ellesmere NDP)
 Welch, Hon. R.; Minister of Culture and Recreation (Brock PC)
 Worton, H. (Wellington South L)



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Third Session of the 30th Parliament

Thursday, November 4, 1976

Afternoon Session

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

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CONTENTS

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LEGISLATURE OF ONTARIO

THURSDAY, NOVEMBER 4, 1976

The House met at 2 p.m.

Prayers.

Mr. Speaker: Statements by the ministry.

INTEGRATION OF STEAM PLANTS

Hon. Mrs. Scrivener: Energy Conservation Week provides us with a focus for a number of initiatives by the Ontario government which are designed to encourage and promote more efficient use of energy resources in the province of Ontario. In this regard, I wish to advise the House of the planned participation of the Ministry of Government Services as one of several agencies to integrate their steam plants and distribution systems in the core area of the city of Toronto.

Negotiations in support of the integrated system were originally undertaken two years ago as a result of concern over air pollution problems associated with the Toronto Hydro steam plant located on Pearl Street. The discussions are continuing as details of the plan are developed. The integration plan, which has been agreed upon, will not only alleviate the environmental concern, but will also provide a substantial energy conservation benefit through the ultimate construction of a new refuse-fired steam plant to replace the existing oil-fired steam plant at the Pearl Street location.

At present, there are 11 government buildings in Queen's Park which are serviced with steam, generated by three boilers which primarily use natural gas with light oil being used for standby purposes. The current cost to the province for steam supplied to the Queen's Park buildings is approximately \$900,000 per annum.

In conclusion, I might say that it particularly pleases me that, as a result of some two years of negotiations, agreement in principle has been achieved for this integration plan with the corporation of the city of Toronto, Toronto-Hydro-Electric System, Toronto Hospitals Steam Corporation and the University of Toronto. This demonstrates the co-operative and helpful attitude displayed by the various agencies in finding a joint solution to an environmental concern, a solution which

also makes a significant contribution to energy conservation.

Mr. Godfrey: What are you going to do about Pickering?

Mr. Roy: You must have spent a lot of time on that statement. It should give you the headlines for today.

PUBLIC HEALTH NURSES

Hon. F. S. Miller: Mr. Speaker, some hon. members have inquired about the ministry's position in current negotiations between public health nurses and local boards of health. I would like to make a brief statement which hopefully will clarify the situation.

Hon. members will recall there has been a historical relationship between the wages in the nursing profession. Back in 1974, an arbitration board awarded significant increases to the nursing staff at the Ottawa Civic Hospital. The ministry agreed it would pick up its share of costs where similar settlements were negotiated across Ontario, both in hospitals and boards of health.

Because the ministry pays the total cost of nursing salaries in hospitals, there was little difficulty in nurses negotiating settlements similar to that awarded at the Ottawa Civic Hospital. However, in the public health field, where municipalities share the costs of these programmes, public health nurses were not able in many instances to maintain the parity they had previously enjoyed with their counterparts in the public hospital field. In the past couple of years, this situation has been aggravated by subsequent settlements.

In order to rectify this situation, my ministry is prepared to provide additional funding, on the same ratio as it cost-shares health unit budgets. This will be provided up to an amount which would establish parity on an hourly rate basis between registered nurses in health units and registered nurses in hospitals.

Mr. Cassidy: Where have you been for the past four and a half months?

Mr. Lewis: You should have done it in January and you wouldn't have had this happen.

Hon. F. S. Miller: I did it two years ago—and I have the problem. Let's not forget that fact.

Mr. Lewis: You are opening the door finally.

Hon. F. S. Miller: No, I never had the door closed. I opened it and no one walked through.

Mr. Speaker: Order, please. This is not the time for a debate. Would the hon. minister complete his statement?

Mr. S. Smith: Have you provided no arbitration for it? That's all he is worried about.

Mr. Speaker: The hon. minister with his statement?

Hon. F. S. Miller: Naturally, Mr. Speaker, such settlements would probably exceed the present six per cent guideline—eight per cent, that should read; I'm looking ahead to next year—and would have to be upheld by the Anti-Inflation Board.

Mr. Lewis: You Tories sure do err on the side of caution.

Hon. F. S. Miller: This means the ministry will provide additional funding to re-establish the historical relationship between the two groups of nurses. The decision as to whether or not that historical perspective will be re-established is left quite properly where it belongs—between local boards of health and their nursing staffs.

THUNDER BAY JAIL

Hon. J. R. Smith: On Tuesday, November 2, the hon. member for Port Arthur (Mr. Foulds) asked me three questions regarding the Thunder Bay jail. I provided an answer in the House. In addition, members of my ministry's staff met with the hon. member to discuss and provide information relating to the first two of his questions. I believe he was satisfied with the answers which he received at that time.

I would preface my answer to the third question by stating that it is of considerable concern that a confidential document relating to the security of an institution was made available to the hon. member and that sections of that internal memorandum dealing with security were made public. The ministry

is most anxious to protect the safety of its staff and the general public, as well as of inmates who could be injured because of breaches in security. It is certainly to the credit of the hon. member that he did not make the full memorandum public.

In regard to the third question asked by the hon. member, it is true that on occasions when that jail and others are overcrowded, persons admitting themselves to serve intermittent sentences have, in some instances, been granted temporary absence to return to their homes. This has usually occurred on weekends. In all cases, the individuals concerned were not considered security risks and were already living in the community during the week and serving their sentences on weekends. In other words, the individuals were the breadwinners in their families whom a judge felt should be allowed to continue to work during the week and to live at home.

TRAINING SCHOOL DEATH

Hon. Mrs. Birch: Mr. Speaker, on Tuesday I promised the Legislature a report on the circumstances preceding the tragic death of Norma Dean on August 20 at the Kawartha Lakes School. Officials from the ministries of Health, Correctional Services, the Solicitor General and the Attorney General and the Social policy secretariat have reviewed the records regarding this case.

It is with reluctance, because of my concern for the feelings of the family of this girl, that I make this statement today. In less than three weeks the public inquest will delve into this whole matter in great detail. The material provided through this brief review can in no way obscure the importance of the evidence which will be assembled at the inquest.

Nevertheless, the following chronology of events will indicate the treatment and concern provided for this young girl by the various agencies that have been involved over the years from her first referral to the time of her death five years later.

I would like to note that the references to psychiatric treatment and the details of family court appearances have been carefully edited out to ensure the necessary confidentiality. Obviously such material may be made public at the inquest, which is scheduled to be held in Lindsay on November 24.

According to the records, Norma's behavioural problems first appeared in grade two. In the fourth grade, in 1972 she was referred by the school mental health services to a child guidance clinic.

As a result of problems at home and at school, Norma was referred in 1973 to Dellcrest School for day classes. She was discharged in June of 1974 and returned to the regular school system. However, her behaviour subsequently deteriorated and referral was made to Thistletown Regional Centre, where she was admitted on February 10, 1976.

During May and June, Norma appeared in family court on a number of occasions. Twice charges were laid by the Thistletown Regional Centre and she was returned to Thistletown for further threatment.

Norma appeared in court on June 30, 1976, following an incident at Thistletown. The judge adjourned the case for a week and suggested Mrs. Dean obtain counsel for Norma who was detained at that time at 311 Jarvis Street.

On July 7, 1976, she reappeared in court with counsel, and on the same day was sent to the Oakville Reception and Assessment Centre pursuant to section 20 of The Juvenile Delinquents Act and under section 9 of The Training Schools Act.

On admission, Oakville received a record of probation supervision from the probation officer. As part of the Oakville procedure, a multi-disciplinary team undertook an assessment which involved reports from a physician, nurse, dentist, psychologist, social worker, child-care worker, chaplain, recreational specialist and a teacher.

On July 22, a case conference was held, attended by the Oakville multi-disciplinary team and three representatives from Thistletown. It was decided that Norma should be placed in the prime worker programme at Kawartha Lakes School, an institution stressing limited security and a normal lifestyle. The goal was to transfer Norma into a long-term rural placement for treatment as soon as possible.

The written reports from Thistletown Regional Centre did not arrive at Oakville until July 28, 1976, the day before Norma's transfer. However, as noted above, three representatives from Thistletown did attend the assessment conference at Oakville on July 22, 1976.

[2:15]

Norma was transferred to Kawartha Lakes School on July 29, 1976. At the time of transfer, a senior member of the Oakville staff discussed the case by telephone with a senior member of the Kawartha Lakes School. The clinical notes from Thistletown were forwarded to Kawartha Lakes but did not arrive

until five days following Norma's death. After the transfer, a case conference was convened by the Oakville deputy superintendent at the Oakville Reception and Assessment Centre on August 5, 1976. Representatives from West Metro Youth Services, Thistletown Regional Centre, Oakville Reception and Assessment Centre and Kawartha Lakes School were present. A second case planning conference was held on August 11, 1976.

At Kawartha Lakes School, Norma was seen by a Ministry of Correctional Services chaplain and by a social worker. The chaplain interviewed Norma formally on August 1, 6, 11 and 15 and informally on four other occasions. The social worker had a number of contacts with Norma. On August 18 Norma was seen by the school psychometrist for an intellectual assessment. Norma Dean was found dead in the closet of her room by two staff members on August 20, 1976.

These facts, culled from reports and records, have been stripped to provide a concise chronological summary of the events preceding Norma's death. If I may be permitted, I would like to say that the report appears to indicate that:

1. The transfers from one facility to another were deliberately made to pursue what appeared to be, in the judgement of professionals, more desirable types of treatment.

2. The people involved were caring and concerned and when transfers were made they were only after very close consultations between the staffs responsible.

The more detailed report is now in the hands of the leaders of the opposition parties. I have now received a copy of a letter to which the Leader of the Opposition (Mr. Lewis) made reference on Tuesday. I would like to emphasize that no one in this government relishes training schools as a last resort.

The inquest will, I hope, explain more fully the circumstances leading to Norma's death. This government will welcome that report and looks forward to receiving the recommendations from that inquest jury. In the meantime, my colleagues, the Minister of Health (Mr. F. S. Miller) and the Minister of Correctional Services (Mr. J. R. Smith), are reviewing the staff report concerning Norma Dean's death in terms of its broader implications for the treatment and care of children.

HYDRO RATES

Hon. Mr. Timbrell: Last June the select committee reviewing Ontario Hydro's pro-

posals to increase bulk power rates in 1976 tabled its final report. At that time, I indicated that the government would respond to the recommendations when the House reconvened in the fall. Today I should like to advise the House that I am tabling the government's response this afternoon. Discussions have been held with Ontario Hydro and the government's response takes into account both the views of the Ontario Hydro board of directors as well as those of a very broad group of associations in the province whose views I asked for.

With the exception of a very few recommendations, the government fully endorses the select committee's report. On behalf of the government, I again compliment the chairman, the members and the committee staff for their work. I think it is fair to say this select committee was one of the best which this House has ever appointed, certainly in recent years. Not only are its recommendations by and large sensible, they confirm initiatives already under way and support the current policy direction of the government. Only a few of the recommendations which, if accepted in quite the way proposed, cause the government difficulty in endorsing the report in its entirety.

Mr. Bullbrook: Is the member for York South (Mr. MacDonald) over there?

Mr. Speaker: Order, please.

Hon. Mr. Timbrell: When the adjourned debate is resumed, at that time an amendment to the motion for adoption will be offered, notice of which I am tabling at this time.

Mr. Singer: Have they got a seat for him next to the member for London North (Mr. Shore)?

Hon. Mr. Timbrell: Implementation of the recommendations has already begun and the Legislature will be provided with periodic reports on the progress of that implementation. In summary, the government clearly accepts the tone and policy direction proposed by the select committee. It is a policy direction which is compatible with and complements government policy.

Mr. Speaker: The hon. Minister of Transportation—sorry the hon. Minister of Housing.

Mr. Cassidy: Another bomb, eh?

Mr. Philip: Are you still building roads?

Hon. Mr. Rhodes: I must have done a good job in his riding.

Mr. Peterson: Nobody needs you, John.

SHOOTING INCIDENT

Hon. Mr. Rhodes: Mr. Speaker, I wish to make a very brief statement concerning an article that appeared in today's edition of the Toronto Star under the headline, "Man Shot to Death in OHC Apartment." It indicates in the story that the man who was shot in an apartment in Markham Road, north of Eglinton Avenue, was in an apartment occupied by Satan's Choice motorcycle club. I want to draw to the attention of members of the Legislature that the unfortunate shooting incident occurred in a private apartment building at 399 Markham Road. The building was mistakenly identified as an Ontario Housing Corporation development.

I rise to make this point because I regret that this type of reporting can cast this sort of question on Ontario Housing developments. It is quite evident that we do have problems in some of the projects, which we hope we can deal with effectively, but unfortunately these erroneous stories only create more questions in the minds of persons when we are trying to deal with Ontario Housing developments. It is regrettable that this type of story would appear.

Mr. Sargent: You haven't got much to talk about. Build some houses.

POINT OF PRIVILEGE

Mr. S. Smith: On a point of privilege. Last Tuesday, Mr. Speaker, in response to my question concerning a decline in multiple dwelling starts the Minister of Housing implied that we had our facts wrong in that we had not included condominium starts.

Hon. Mr. Rhodes: If I can correct garbage I can correct you too.

Mr. S. Smith: Well, these were CMHC statistics, and I have checked with the CMHC, which assures us that in fact those statistics do include both rental and condominium starts in Ontario. I rise to make the point, not merely because we were told we have our facts wrong for a change, but also to ensure that housing policy in the province not be dislocated by a mistaken idea on the part of the minister.

Hon. Mr. Rhodes: On the point of privilege, Mr. Speaker, at no time did I indicate in the comments during that question period that I questioned the figures that had been produced by the hon. member. I said that in Ontario, when we calculated our apartment starts we did not include condominium starts,

as was done in many other jurisdictions. I did not suggest that his particular figures were not correct.

Mr. S. Smith: On a point of privilege, if I may respond to that—

Mr. Speaker: Order, please. I think the record will show what was said.

Mr. S. Smith: The record will certainly show what was said.

Mr. Lewis: You may have meant to state that, but you said the reverse at the time. I think you did.

Mr. Yakabuski: You are out.

Mr. Nixon: You don't have to go to the record now.

Mr. Yakabuski: You are out, Albert.

Mr. Speaker: Oral questions.

TRAINING SCHOOL DEATH

Mr. Lewis: It is difficult to respond to the statement by the Provincial Secretary for Social Development. May I ask her this question to begin with: Can she tell the House what the judge's final recommendation was—

Mr. Roy: Hey, Paul: Bye, bye.

Mr. Speaker: Order, please. The hon. Leader of the Opposition has the floor.

Mr. Roy: It is the member for Renfrew South. Throw him out.

Mr. Yakabuski: You'll be sorry.

Mr. Lewis: Can the minister indicate what seems to be missing from her report today, and indeed from the document she provided in confidence to the leader of the Liberal Party and myself: What did the judge actually recommend in his disposition of the Norma Dean case? Did he in fact recommend no training school but the Oakville assessment centre?

Hon. Mrs. Birch: Mr. Speaker, the judge in the transcript that I read recommended that Norma be sent to the training school, which is the Oakville Reception and Assessment Centre.

Mr. Lewis: Let me try to understand—Oakville isn't a training school. At Oakville they have an opportunity to send children to different places depending on their diagnosis do they not? Is the minister sure that the

judge didn't specifically recommend against training school in his decision?

Hon. Mrs. Birch: No, Mr. Speaker, I am not.

Mr. Lewis: I'll put the question, to broaden it if I may, to the Minister of Health. Is the Minister of Health happy with the practice of the single most sophisticated treatment centre in the Ministry of Health services for children—Thistletown, in the public sector—is he happy that Thistletown should itself be laying charges against children under its care, as happened on at least two occasions to Norma Dean, as indicated in the statement today?

Hon. F. S. Miller: I'm sure the Leader of the Opposition knows I expressed real concern when I learned that we had laid the charges. Because, frankly, I did not know this had happened before, I asked for an explanation: (a) had we done this in the past and, (b) what were the reasons or justifications for doing it in any case, let alone this specific one? I did learn that it has been done in the past—not frequently; I think once in 1974 and five or six times the following year, and I think three or four times this year—as a means of therapeutic treatment rather than as a means of punishment.

The staff did it, not in a fit of anger or in an attempt to punish the young lady in this case, or in others with whom they've used the same technique, but after very careful consideration as to whether that person was psychotic or not, whether they were able to understand reality or not and, if they could understand reality, then whether they should not be made aware of the court processes and benefit, if necessary, from the decision of the court.

I was asked whether the system worked in this case, and my answer was that human beings were making subjective assessments—a number of them. Based upon the sum total of their assessments—not necessarily unanimous—they assumed this was the route to follow. I'm sure those same human beings are more upset than the Leader of the Opposition and I are about the final outcome because they operated, I believe, in the best interests of this patient and with a great deal of continuity, rather than with the disjointed approach that was alleged in the beginning. I believe they sent her to the court so that she might be properly assessed in their opinion and have entry, if necessary, to training schools but not necessarily sent to one.

Therefore, having listened to my staff's comments, I would accept that they were

operating within the normal, accepted rules in force today. I can assure the Leader of the Opposition that I, and I'm sure my fellow ministers, are going to be looking at those rules to see if we can't improve the techniques open to our staffs, rather than simply condemn them out of hand. That's what we will learn most, I think, from this particular case.

Mr. S. Smith: To the Minister of Health: If, as appears in the report, which the minister was kind enough to give me to look at, that the waiting period at Youthdale Camp denied the young lady the opportunity to go to the preferred treatment setting, can the minister explain to us how it is that with a five- to six-week waiting period for such services there still remains such a severe shortage of proper treatment facilities for adolescents in Ontario, particularly those with a structured setting?

Hon. F. S. Miller: I think we have 28,000 children, one way or another, getting some kind of care right now in Ontario, either for emotional disturbances or mental health problems. It is obvious then that we're taxing a number of our facilities. I think one needs to read, and the member should take the time to read pretty carefully, that information we've given him to see whether Youthdale really was in sum total the best place. One of the things we have to dispel is the idea that somehow a training school is by nature a penal colony. It is not.

Mr. Lewis: Oh, come now!

Hon. F. S. Miller: Oh, come on. I can't make the invitation because I'm not Minister of Correctional Services, but I think, for those who haven't seen it, it mightn't be a bad thing to see the very school this young lady was sent to, to gain some idea of what goes on there and to dispel perhaps some of the impressions that she was sent to a "hole in the wall," Don Jail-type of thing.

Mr. Lewis: No one said that.

Hon. F. S. Miller: No, but people allege this about the training school. I don't mean the Leader of the Opposition—let me make that understood—but people less aware of what the training school's role is have alleged that in this case.

[2:30]

Mr. Lewis: May I ask another question following directly from this? Since the report also shows there was no rural setting available under the grandiose four-phase system for this young girl, whether it be Youthdale or

anything else—nothing available in the province of Ontario at that time for a young, female adolescent—doesn't that make the minister think—28,000 children or not—that the crisis we face in alternative facilities for emotionally disturbed adolescents has now caught up with us and that something must be provided on an emergency basis?

Hon. F. S. Miller: Obviously I and the other ministers would like more facilities. I recall the hon. member's speech, I think a year and a half ago, during my estimate debates on this very topic. We're not at odds on this matter at all. I just don't have enough facilities, yet at the same time we're doing, I think, a pretty good job with the ones we have.

I'm not sure we'd ever have enough, if one is honest, if we look at the figures some people have on the number of children in need—what is it?—nine or 10 per cent estimated in some cases. We just have to find better ways, I'm sure, of dealing with some of the problems.

Mrs. Campbell: In view of the statement by the Provincial Secretary for Social Development as to the quality, if I may call it that, of care in the Kawartha area, would the minister not give consideration to calling upon Thistletown and others like it to review with him their recommendations, since obviously there was no psychiatric assistance available to this child but rather the assistance of a clergyman and a social worker? Would the minister not think there should be something other than that kind of treatment in a case as complex as this?

Hon. F. S. Miller: One of the things that may be lost sight of in all this is the number of multi-disciplinary discussions that went on about this young lady. I can point out, and the record the hon. member has will show, that while sometimes written records didn't get to a certain destination until several days either just before the young lady was transferred or just after, the fact is that in most instances the receiving people had oral communication either direct, face to face, or by telephone with each other prior to and even after transfers. I believe the member will find, and her leader has the information, that the assessment of those people who were psychiatrists and trained in that area was that this young lady was not so much in need of their care as perhaps the setting she ended up in.

Mr. Lewis: If the Minister of Health is so concerned about establishing alternative facil-

ities, how is it that the single highest priority in the children's mental health centres branch, the Niagara region centre for youth care, has not yet been funded despite the overwhelming support in the Niagara regional community, despite the availability of excellent professional and child-care staff and despite endless requests to the ministry to set up such a treatment centre before further crises present themselves?

Hon. F. S. Miller: I'm very familiar with that particular group and I've talked to them both while cabinet was down that way and on an individual basis several times. I simply haven't the money to meet every single need in the ministry but I hope that I'll have their money in the coming year.

Mr. Lewis: That's interesting because, by way of supplementary, am I right in understanding that the minister has now promised them something like \$50,000 a year effective November 1, 1976, a shortfall of just about \$850,000 to \$900,000 of what they need to start operating? What are the priorities in the ministry? Let us understand for a moment: What are the priorities in the ministry when there are 139 children, by the admission of the Provincial Secretary for Social Development, inappropriately placed in training schools under section 8 alone, and there is a whole treatment centre model ready to go in a critical area of Ontario, and the minister can't find the money for it?

Hon. F. S. Miller: I think the member will find some money has flowed to Niagara in the last while. I believe he'll find they have at least \$50,000 in this year's budget.

Mr. Lewis: That's what I said, \$50,000. What can they do with it?

Hon. F. S. Miller: At least I think that's a beginning. That is, as the member quite properly said, at the very top of our list for future funding.

Mr. Haggerty: I'd like to direct a supplementary question to the minister. Has the minister given any consideration to use the existing buildings, such as the nurses' residences built in the city of Port Colborne and the city of Welland and throughout the whole Niagara region, which are now vacant?

Hon. F. S. Miller: Mr. Speaker, I don't know that the buildings are stopping us from having programmes. We do have vacant buildings. I don't know whether they are suitable or not. I'm not going to guess today. The key thing is not building costs but operating costs that one has to look at.

Mr. Lewis: To the Provincial Secretary for Social Development: Now that the facts are coming together about what occurred before Norma Dean's death, can she tell us when the government intends to make its statement on the repeal of section 8, the transfer of the 139 children, to which alternate facilities the transfer will be made, and what she then intends to do about section 9? Is there a timetable for all of this, or is it just the minister's personal wish?

Hon. Mrs. Birch: Mr. Speaker, I'm putting the report together as quickly as possible, and will be taking it forward to my colleagues in the cabinet for their approval.

Mr. Lewis: Can the minister tell us when she will be doing that?

Hon. Mrs. Birch: No, Mr. Speaker.

Mr. S. Smith: Supplementary: Would the minister not agree that the need in the province right now is for health related facilities for adolescents to be available in a more structured way that could, in fact, have closed doors, at least on a temporary basis, and for the correctional facilities to have more health facilities attached to them, such as a psychiatrist on the premises available to deal with cases of this kind, to dispense medication and so on?

Hon. Mrs. Birch: Mr. Speaker, I think there has been a need identified in that area and those recommendations will hopefully be coming from the inquest that will be called, and certainly from our investigation in this whole area.

PUBLIC HEALTH NURSES

Mr. Lewis: One last question of the Minister of Health—I'm sorry to have taken the time—regarding his important announcement today about the funding for the public health nurses. I believe that's what the announcement had to deal with. Is he sending a letter of notice to all of the medical officers of health, to the members of health boards across the province who have not reached a settlement, encouraging them to do so now that the minister has provided this support for parity and indeed that the Anti-Inflation Board has granted wage settlements significantly above the guidelines in certain of the units that have settled?

Hon. F. S. Miller: Mr. Speaker, on October 28 we sent one letter to the boards of health of the province of Ontario outlining our wil-

lingness to see the gap closed. I felt perhaps that it appeared to relate only to the future rather than to the past. Therefore, I made the statement today to clarify that letter a bit, because I'm sure the way letters are read, the commas, etc., will be taken into account.

Insofar as my saying, "Give it away and settle," then I would be right at the negotiating table with them in that sense.

Mr. Lewis: You are.

Hon. F. S. Miller: I think I have fulfilled my mandate when I have told them that my share, whether it be 25 or 75 per cent, is available for them, and surely then we can assume that local negotiations can carry on from there, either on the basis of voluntary binding arbitration, which some may do, or the traditional negotiating means.

Mr. Lewis: Supplementary, if I may: Can the minister explain or clarify or elaborate on the letter sent from the director of the health promotion branch to the medical officers of health of Ontario dated October 29, 1976, re pre-school health assessment, which takes away from the public health nurses in Ontario the right they have practised for years to use stethoscopes and otoscopes as a means of a pre-school health examination and seems to us to undermine his entire programmes to develop nurse practitioners and alternative, less-expensive forms of health care? Why is the minister bowing to the doctors on this one?

Hon. F. S. Miller: Mr. Speaker, I haven't personally bowed and I'll be glad to look at the letter.

Mr. Bounsall: I gather from the Minister of Health's remarks that he's taking no steps to ensure the public health boards do not do what they did in 1974-80 per cent of them, 28 out of 36—not accepting his moneys? He is taking no steps to ensure that the same sort of thing does not happen again in this statement in which he provides moneys for that portion of the provincial budget only, which he supports?

Hon. F. S. Miller: Mr. Speaker, it's a nice line. One day they tell us we mustn't interfere in local autonomy, the next day they tell us we must. We have done our part in this. We have already said the funding is available, and we believe that local decisions should be made locally. That's the way we've left it.

Mr. MacDonald: One day you will, the next day you won't.

Mr. Bullbrook: Supplementary?

Mr. Speaker: All right. One final supplementary, because we have been about 17 or 18 minutes on this question.

Mr. Bullbrook: I don't want to take too much of your time.

Mr. Speaker: It's all yours.

Mr. Bullbrook: Is the minister assuring us that this infusion of money from the provincial purse will settle the contract dispute?

Hon. F. S. Miller: I think that gets back to the question just asked. If used, yes. If not, no.

Mr. Bullbrook: By way of one final supplementary—

Mr. Speaker: A final, final, supplementary.

Mr. Bullbrook: —what assistance would the minister recommend to his colleague, the Minister of Labour (B. Stephenson), to give the nurses that much-needed assurance?

Hon. F. S. Miller: My colleague, the Minister of Labour, has done her utmost in the last year to bring these two parties together.

Mr. Bullbrook: The last year? Think of it—a year.

Hon. F. S. Miller: I have been present with her when she talked to the boards—

Mr. Sargent: What has she done in the last week?

Mr. Speaker: Order, please.

Hon. F. S. Miller: I have been present with her when she talked to the ONA and she has worked very hard to see that some acceptable form of negotiation was worked out.

Mr. Roy: Obviously she is not very effective.

Hon. F. S. Miller: Short of the particular piece of legislation which the hon. member for Sarnia has placed before the House and which, in effect, as I read it, takes away the right to vote from these nurses, I don't know of any other solution.

Mr. Bullbrook: When you read it in context, it doesn't say that.

HOME BUYERS GRANT

Mr. S. Smith: A question of the Premier, Mr. Speaker: Without labouring the issue at

all, is the Premier prepared to arrange a change in the policy of his government regarding the seeking to recover the home buyers grant money that has gone to people who, in fact, did not legally deserve to have that money? Will there be a change? Will he change his mind on this?

Hon. Mr. Davis: Mr. Speaker, as I heard the discussion on Tuesday and statements made by the minister, there is not a policy of this government not to recover money that was wrongfully obtained. In any cases where illegality has been established in a prima facie way, they will be pursued. I think what the Minister of Revenue (Mr. Meen) explained to the House—and I won't get into linear extrapolation—

Mr. Singer: Oh, that's such a nice phrase.

Hon. Mr. Davis: I don't totally understand it—

Mr. Reid: That makes two of you.

Hon. Mr. Davis: —I know the member for Wilson Heights does, as he understands everything else. I always bow to his comprehensive knowledge on all issues. I don't share—what was the question?

Certainly if we can find cases of wrongdoing, where people deliberately misled whoever was involved, they will be pursued as they should be. That has been the policy of the government and will continue to be the policy of the government.

Mr. Singer: Supplementary, Mr. Speaker?

Mr. Speaker: The member for Wilson Heights.

Mr. S. Smith: I haven't asked a supplementary yet.

Mr. Speaker: All right. The member for Hamilton West, first of all.

Mr. Yakabuski: Why doesn't he let his own members participate?

Mr. S. Smith: By way of supplementary, will the Premier not agree that the question at issue is simply whether or not the government will extend the audits past the end of this year in order to seek out those who may have received this money illegally? Surely that is the question. Will he tell us if he plans to do this or not? It's quite simple.

Mr. Roy: How can you fine them if you quit looking?

Hon. Mr. Davis: Mr. Speaker, I recognize the great interest the member for Hamilton West has on this subject and—

Mr. S. Smith: Come on!

Hon. Mr. Davis: No, no, I am trying to be very helpful.

Mr. Roy: Provocative, yes.

An hon. member: Stop being provocative.

Hon. Mr. Davis: I see no reason why, if particular situations are brought to our attention, that spotchecks can't continue over a period of time. I do think that this is quite possible. To undertake to the Leader of the Opposition that all 9,000, if that was the figure, would be totally audited, I think that is something that would have to be looked at very carefully because it would take us several years to accomplish.

Mr. Reid: You won't be here long enough to do it.

Hon. Mr. Davis: But if the public or those who were recipients of these grants were aware that spotchecking would continue over a period of time, I think that it might accomplish the objective we all have, which is to see that people who illegally were the recipients are held to account. I am sure the member for Hamilton West is not anxious in pursuing those where, perhaps because of language problems or misunderstanding, it was totally innocent on their part—

Mr. Nixon: Or they are elderly.

Hon. Mr. Davis: I am sure he is not out to persecute those people.

Mr. S. Smith: If they had a shack in Korea.

Mr. Singer: Spotchecks will—

Hon. Mr. Davis: He is not that kind of a person. Nor am I. I think there is a distinction between those people who deliberately misled and those people who did not.

Mr. Reid: You are an expert on that.

[2:45]

Hon. Mr. Davis: I would only say I read with interest what the hon. member was saying in another committee in the last day or so and I'd have to congratulate him on his expertise on certain subjects. It was a great revelation to me and I am sure it was a great revelation to the Deputy Speaker (Mr. Stokes). However, that's digressing.

Mr. Reid: He wasn't quite as happy with it as you.

Interjections.

Mr. Speaker: Order, please, I think we should come over to this side. The member for Ottawa Centre, first of all.

Mr. Cassidy: Supplementary: Recognizing the fact that the minister has argued that most of the people who may have wrongfully received the grants did so in error, and recognizing therefore that these people quite likely would like to know whether or not they had made a mistake, rather than having provincial gumshoes go to every door in the province to people who got the grants at great public expense, has the ministry considered simply asking, as was not done at the time of the initial grants, for people who got the grants to record their previous addresses and whether they were owners or tenants therein and therefore ensure a degree of self-enforcement on this programme?

Hon. Mr. Davis: I think that is a question the hon. member, who is so concerned about the footwear of civil servants in this province, might direct properly to the Minister of Revenue. What kind of shoes does the member for Ottawa Centre wear?

Mr. Cassidy: I'll direct it to the Minister of Revenue.

Hon. Mr. Davis: Oh, the gum is not on his shoes, I see.

Interjections.

Mr. Speaker: Order, please. The Minister of Revenue did not hear the question.

Hon. Mr. Meen: Yes, I did, Mr. Speaker, but I didn't expect that a supplementary could be directed to another minister.

Interjections:

Mr. Speaker: Order, please. There is no reason why it can't be. It's a question. You can answer.

Hon. Mr. Meen: Certainly, if it is in order to answer the question, I can say that that is one avenue we are presently exploring to see whether that might be a possibility.

Mr. Singer: Supplementary: I wonder if the Premier is going to give any instructions about the payment of the two additional annual sums of \$250? Or is it just going to go forward automatically based on spot-checks? In other words are we going to throw another \$500 after the bad \$1,000 that we've already paid out without anything more than spotchecks?

Hon. Mr. Davis: In reply to the hon. member for Wilson Heights, if that was a supplementary to the question from the hon. member for Ottawa Centre, or just what it was a supplementary to, I think it would be very advisable to direct that question to the Minister of Revenue.

Mr. Roy: Just answer the question.

An hon. member: You are impossible.

Hon. Mr. Davis: No, I'm not. I'm just saying to redirect the question.

Mr. Germa: Assuming that the Premier is genuinely interested in resolving the situation, would he direct his party members who are sitting on the public accounts committee to co-operate with public accounts so that they can delve into the matter and possibly shed some light on the subject?

Hon. Mr. Davis: I would only say to the member for Sudbury, I'm anxious to solve as many problems as I can. I'm always attempting to do this.

Mr. Yakabuski: On a point of order—

Mr. Roy: Sit down.

Mr. Lewis: Your biggest problem is behind you.

Mr. Speaker: Order, please.

Hon. Mr. Davis: I would say to the member for Sudbury that unlike his party, where his leader directs him in everything he does, these people on this side of the House are very independent, conscientious people, who let their own judgement dictate to them what they do on various committees.

Mr. Yakabuski: On a point of order.

Mr. Roy: You are out of order.

Mr. Peterson: Supplementary: Would the Premier not agree that there is a much more important issue here in that the public perception is that there has been a very serious injustice in this case, that his government has put a price tag on justice, on which there is no price tag, and that he has an obligation to pursue it, regardless of the cost, to bring justice in this case?

Hon. Mr. Davis: The member for London Centre can have his perception. I have never presumed really to be in a position to say with any degree of accuracy what is the total public perception, so I will once again bow to his judgement in what he interprets to be his public's perception. That may be

totally wrong, incidentally; I just point that out to him. If the hon. member for London Centre is saying that if there are cases that are illegal that should be prosecuted, then they should be pursued, I totally agree.

Mr. Speaker: A final supplementary, the member for Renfrew South.

Mr. Yakabuski: It is not a supplementary, Mr. Speaker; it is a point of order. I was of the opinion that in this House we had a standard rule where three supplementaries were the limit.

Mr. Roy: You are out of order.

Mr. Yakabuski: I have noted in recent days that—

Mr. Roy: He is challenging your jurisdiction, Mr. Speaker.

Mr. Yakabuski: —supplementary questions are going as high as five, six and seven.

Mr. Reid: Who counted them up for you?

Mr. Yakabuski: If we are to maintain some semblance of order here, I think we should adhere to the rule that three supplementary questions are the limit.

Mr. Speaker: Order, please. The hon. member, I am sure, is aware there is no such rule.

Interjections.

Mr. Speaker: Order, please. There probably should be. I might further explain that with the leadoff questions we usually allow a few more supplementaries than we do with the succeeding questions because they are the more important issues of the day, although not necessarily.

Interjections.

Mr. Speaker: We will continue now with further questions.

TRAINING SCHOOL DEATH

Mr. S. Smith: Mr. Speaker, a question for the Solicitor General. Could the Solicitor General explain to us the results of his inquiries, and share them with us, with regard to when the coroner's inquest, regarding the unfortunate Norma Dean affair, was scheduled? At what date was the scheduled date announced? Can he assure the House that the actual scheduling of the inquest took place before the Globe and Mail article ap-

peared which brought public attention to the matter?

Hon. Mr. MacBeth: No, Mr. Speaker.

Mr. S. Smith: By way of supplementary, can the Solicitor General explain to the House why it is that a suicide which has been represented by the Minister of Correctional Services (Mr. J. R. Smith) as the first such event in 22 years should have occurred with no date of an inquest having been set for over two months afterward until the matter was brought to public attention?

Hon. Mr. MacBeth: I do have some information on the matter in regard to inquests and the time of them. The interval varies from 26 to 114 days. The average number is 58.5 days for Metropolitan Toronto and outside Metropolitan Toronto the average is 78 days. Members will note that for outside Toronto there is the sum of 78 days.

I am not saying that the attention to this didn't speed up the setting of the date but that date would have happened—the setting of the date would have happened in a very few days anyway because it was actively before the chief coroner at the time this arose in the newspaper.

Mr. Lewis: Has the Solicitor General asked for an explanation of the delay in the process on this occasion and, if he has had an explanation, does it satisfy him?

Hon. Mr. MacBeth: Yes. When I say I asked for an explanation of the delay, I asked why there should be such a period of time and it was explained that it was not a delay, it was the usual course of time. There are various reasons for this. First of all, there is the gathering of evidence, the taking of various tests. They have to be sent in many cases to the forensic lab or something of that nature—I am not saying that was so in this one but it is in many cases. Then they have to gather the witnesses.

One of the main problems out of town is the acquiring of courtroom space. So it is the gathering of evidence, the summoning of the witnesses and the scheduling of a court which has to be done in advance.

Mr. Eakins: Mr. Speaker, I wonder if I could ask the minister who will be the coroner in this case? Who has been appointed to conduct the inquest?

Mr. Sargent: Paul Yakabuski.

Hon. Mr. MacBeth: I understand that Dr. MacKay is the one who has been appointed, a regional coroner.

Mr. Singer: I wonder if the minister could advise us if it is reasonable to assume that the minister's confusion about the provisions of the Act was shared by some of his officials and they didn't know that an inquest was mandatory under the section of The Coroners Act which I read to him the other day?

Hon. Mr. MacBeth: No, I am not ready to admit that. The minister does get confused from time to time but his officials never get confused.

Mr. Roy: In other words, you are the only incompetent one in the ministry.

Mr. S. Smith: May I ask the Provincial Secretary for Social Development a question? In view of what seems to be coming out, that an event occurred which was a unique and terribly unfortunate event, and the minister did not inform her, the coroner was not called until the matter was brought to public attention—

Hon. J. R. Smith: Nonsense. Not true.

Mr. S. Smith: I am sorry, the inquest was not called. Excuse me.

Hon. Mr. MacBeth: I didn't say that at all. I think the coroner was notified promptly.

Mr. S. Smith: The inquest.

Hon. Mr. MacBeth: It was the setting of the inquest date which was not done.

Mr. S. Smith: Forgive me. It was strictly a slip. The inquest was not called until the matter came to public attention. The matter seems to have been reported in the Lindsay press and yet the minister was not informed of what was happening. Is she not concerned that there seems to have been something of a rather callous or somewhat careless attitude on the part of the people who have dealt with this matter from beginning to end and the people who are making policy and implementing policy?

Hon. Mr. Davis: Ask your own member what he thinks.

Hon. J. R. Smith: Your own member was satisfied. He knew about it.

Hon. Mrs. Birch: I take exception to those remarks. I think that a great number of people, a great number of caring people, were involved. In speaking with this girl's mother she assured me that she felt that a great number of people had dedicated a lot of time and effort on her daughter's behalf.

I disagree very heartily with the member that there had been any lack of concern for the whole five years and up to this point for this poor, unfortunate girl.

Hon. Mr. Davis: The Liberal leader's own member is nodding his head in agreement. Why doesn't he stand up and tell his leader what he thinks?

Mr. Nixon: The minister said she felt betrayed. The Premier must have spoken to her since she said that.

ITALIAN COURSES IN SCHOOLS

Mr. S. Smith: One more question: A question for the Minister of Education regarding the courses in Italian which I know he and I both agree are important and should be taught in the schools. Does he not have some concern that the funding for these courses is coming from the government of Italy? Could he not assure this House that he will find some way to fund these Italian courses in the normal way through the government of Ontario?

Hon. Mr. Wells: I think if my friend had read the story which appeared in the early edition of the Star today I said exactly that; that I viewed with great concern the fact that these courses are funded—

Mr. Sargent: Have the Premier go on a junket to Italy. Another trip for him.

Hon. Mr. Wells: —directly by the Italian government under no formal cultural arrangements that have ever been signed by the government of Canada. We have been aware of this for over a year. I think we discussed this.

Mr. R. S. Smith: What have you done about it then?

Hon. Mr. Wells: We discussed this in the estimates last year. I indicated we would have a policy statement in this regard. It will be made very shortly. We have been working with the Toronto board and with the North York board and others concerning this particular matter and it has been under very careful review. I think we will come up with some solution.

Mrs. Campbell: In what year?

Mr. S. Smith: By way of supplementary: I can appreciate the delay in the policy since I haven't written it for him yet but could the minister make some comment on

the comments quoted from one Michael Cobden, a spokesman for the Toronto Board of Education, who said their attempts to start programmes without Italian government funds have been hampered by the ministry red tape. He said it is "exasperating" and "they turn a blind eye to what is going on in the separate schools but keep us under the microscopic eye of the minister." Would the minister care to comment on those remarks?

Hon. Mr. Wells: First of all the last thing in the world I would want would be for the Liberal leader to write any policy for me.

Hon. Mr. McKeough: Or for Ontario.

Hon. Mr. Wells: Or for anyone else.

Mr. Reid: You adopted it.

Interjections.

Mr. Speaker: Order.

Mr. Peterson: He is not very well either.

Hon. Mr. Davis: Good for Montreal.

Hon. Mr. Wells: I have to say I have to be very concerned that he feels that the school system of this province is "in a shambles." Certainly that kind of perspective would not lead me to ask him to contribute to any policy concerning that system.

Mr. Peterson: You are getting worse than the Premier.

Hon. Mr. Wells: Let me say that, of course, I disagree with what Michael Cobden has said. I suggest that perhaps he talks to the chairman of the Toronto board, Gordon Cressy and I may not agree on everything but I think Gordon Cressy would agree that we have been having dialogue about this particular matter.

We have been very much aware of the Italian government's involvement with the Metropolitan Separate School Board. We have indicated to other public school boards that we didn't think they should get involved in the same kind of programme and that together we should come up with programmes which could provide the same end—that is, Italian-language courses as an add-on to the regular school courses—but in a way which didn't involve a foreign government in financing those programmes. We are working to that end.

[3:00]

If Michael Cobden thinks that things take a little longer than he desires, that's his busi-

ness, but he knows that the Toronto board presented to us in the summer the report of its committee on multiculturalism, and that very shortly we will have a response to that which will set the guidelines for what is going on. Michael Cobden and others might also talk to the North York board, which has been working on this same problem and is trying to work out some answers to the problem, and it is possible.

Mr. S. Smith: Just a brief final supplementary: Why does the minister not simply make the statement clear across this province that learning about the language and the culture of one's ancestral group is a reasonable and valid part of anybody's public school and high school curriculum, and simply acknowledge that fact and stop all this nonsense?

Mr. Speaker: Order, please. The hon. member seems to be debating the issue now. It is developing into another debate which is taking valuable time. If the hon. minister has a brief answer he may give it. No? All right, a final supplementary, the member for Oakwood.

Mr. Grande: The minister mentioned that very soon he will have this multicultural policy that he's been talking about. May I remind him that the "very soon" means that this was promised in December of 1975, promised in 1976 and nothing has happened.

Mr. Speaker: And the question is?

Mr. Grande: The question is, what is "very soon" if it has already taken a year for it?

Mr. Speaker: Order, please. I think the question has been discussed adequately.

INFLUENZA VACCINATIONS

Mr. Johnson: Mr. Speaker, I have a question of the Minister of Health. Does he recommend that swine flu vaccine be given to young people between the ages of three and 20, as reported in the Toronto Star?

Hon. F. S. Miller: Mr. Speaker, I can quite understand how the Star got its comments today. Yesterday I was being asked questions about the age group that we recommended for swine flu and somebody asked me if we were drawing a line at the age of 20 and I said, no, we weren't, we would be fairly flexible in the programme, even though it had been recommended that children not get the shots. I had with me at that time, and I read from it, a Telex from the federal minister saying that children between three and 20,

if they had chronic heart trouble or chronic breathing disorders, should have shots. What I didn't clarify—and I would like to have a chance to; I'm glad the question was asked—

Mr. Roy: That's an abuse, he could have made a speech.

An. hon. member: The new parliamentary assistant.

Mr. Roy: He could have made a statement. Cut him off.

Mr. Speaker: Order, please.

Hon. F. S. Miller: You've made me lose my point; you're unfair to me. The memo from the federal minister quite properly pointed out that the vaccine for children had to be a special variety, and I had said in my comments yesterday that no children under 20 really should get the vaccine without a physician's recommendations. I want to stress that again, that it has to be a physician's recommendation, and there is, in most instances, a special vaccine which as yet has to be produced.

DUNDAS PUC INQUIRY

Mr. Deans: I have a question for the Premier. Can I ask the Premier whether his government will reconsider the existing policy which denies the people of Dundas the right to elect their public utilities commission for an extended period of time, as yet not determined?

Hon. Mr. Davis: Mr. Speaker, I noticed the story in the *Globe* this morning, and I would expect that perhaps the Minister of Energy or the Treasurer or perhaps the Attorney General (Mr. McMurtry) and I will be discussing this, because as a result of that story—about which I can't get into in any detail, of course—the answer to the question may have to be considered very carefully. I will undertake to have those discussions and have some statement for the hon. member either tomorrow or Monday.

PRICES AT HIGHWAY SERVICE CENTRES

Mr. Spence: Mr. Speaker, I have a question for the Minister of Transportation and Communications. What action has his ministry taken in regard to the prices charged by the oil companies that have leased service centres along the route of Highway 401,

where we find that these oil companies are charging between 10 and 13 cent per gallon above the prices of gas stations in the municipalities?

An hon. member: Ripoff.

Mr. Spence: Mr. Speaker, we hear the travelling public saying that these oil companies are gouging—

Mr. Speaker: Thank you. I think the question's been asked.

Interjections.

Hon. Mr. Snow: Mr. Speaker, I'm very tempted to ask the hon. member to repeat the question. But—

Interjections.

Mr. Bullbrook: You're really a wit, aren't you?

Mr. Speaker: Order, please.

An hon. member: He might ask you to repeat the answer.

Hon. Mr. Snow: I believe I made some statement in the House last spring as to what the government's intention was relating to the price of gasoline at the service centres on Highway 401. I explained at that time that the concessions or the franchises to operate those service stations are awarded on a tender basis and that the service centres pay a percentage of their gross sales as their rent for the site.

Mr. MacDonald: So you are sharing in the oil companies' ripoffs.

Mr. Roy: In other words, you are a party to this.

Mr. Speaker: Order, please; order.

Hon. Mr. Snow: I also stated very plainly at that time that the increase in the price of petroleum since those leases were awarded, and also the increase brought about by the additional 10 cents federal tax had increased the sale price of the product and consequently the service centres were paying their rental percentage on those inflated costs. I stated at that time that we would be negotiating with the oil companies and that we would be deleting those additional costs from the base upon which the rental rate would be figured, on the understanding that the full difference in their rent that would be brought about by deleting those costs would be passed on to the motorist.

This is the action that we have taken, Mr. Speaker. I think it's the only fair action that we could take—

Mr. Warner: What are the results?

Hon. Mr. Snow: —and it will reduce the cost and will bring the rental received by the government back to what was anticipated in the original lease.

Mr. Speaker: The oral question period has expired.

Petitions.

Presenting reports.

REPORTS

Hon. Mrs. Birch presented the first annual report of the Ontario Advisory Council on the Physically Handicapped.

Hon. Mrs. Birch: Mr. Gerald Clarke, executive secretary of the council, is with us this afternoon in the Speaker's gallery and I am sure all members will want to join with me in extending a warm welcome to Mr. Clarke and in congratulating our chairman, Mr. Edward Dunlop, and the 19 council members for their excellent report.

Hon. Mr. Snow presented the annual report of the Ontario Telephone Services Commission for the period ending December 31, 1975, and also the annual report of the Urban Transportation Development Corporation for the year 1975.

Mr. McNeil from the standing resources development committee reported the following resolution:

Resolved: That supply in the following amounts and to defray the expenses of the Ministry of Natural Resources be granted to Her Majesty for the fiscal year ending March 31, 1977:

Ministry of Natural Resources

Ministry administration programme	\$27,114,000
Land management programme ..	88,491,000
Outdoor recreation programme ..	51,120,000
Resource products programme ..	44,773,000

Mr. Speaker: Order, please. It's very difficult to hear what's being said in the Legislature. Will those who are carrying on their conversations please do it at a much lower level? Thank you.

Hon. Mr. Welch presented the first annual report of the Ontario Lottery Corporation.

Mr. Speaker: Motions.

Introduction of bills.

POINT OF PRIVILEGE

Mr. Foulds: During his statement today the Minister of Correctional Services (Mr. J. R. Smith) indicated that I was satisfied with the information that has been given to me by his ministerial officials with regard to the questions I raised the other day about the Thunder Bay jail. I would like to put on the record of the House that I am satisfied with the answers to the temporary particular difficulty, although I am not satisfied that the long-range solutions to the problems in that institution have been tackled by the ministry or are on their way to being solved.

Mr. Speaker: Orders of the day.

PLANNING AMENDMENT ACT

House in committee on Bill 130, An Act to amend The Planning Act.

Mr. Chairman: Are there any discussions or amendments to any section of the bill? If so, what section?

Mr. Swart: I have an amendment I'd like to move to section 4(2).

Mr. Chairman: Anything prior to section 4(2)?

Mr. Nixon: I want to make a comment on section 1.

On section 1:

Mr. Nixon: Subsection 6 says: "The moneys received by a district land division committee by way of fees in respect of applications made to it shall be applied by the committee to the extent required in payment of the committee's operating expenses, including the remuneration of its members."

Frankly, I don't see why that has to be included in the bill. It seems to me those fees would go into the treasury of the municipality normally and in an instance such as this, where the committee is being established under special authority, the minister has the authority under section 2, I believe, for any moneys necessary to pay for the operation of the committee.

It seems to me an unhealthy state of affairs that through the fees it collects the committee pays its own salaries and expenses. I mentioned a couple of days ago when we were talking about this, that it's

almost like a police force in a tank town—let's say in another jurisdiction—which pays its salaries by giving speeding tickets to outsiders coming through. There's a kind of a conflict of interest there. If under the authority of the Legislature we are enabling the minister to take steps to see that these boards may be set up—and I think it is a good idea—I don't see why we need this subsection stating that the money they take in is going to be used to pay their expenses and salaries.

I would prefer that that subsection be removed and that the fees taken in be remitted to some other fund, maybe even a consolidated revenue fund, and that we have the responsibility to meet the legitimate expenses of the committee as it unfolds and develops.

Mr. Chairman: Is that an amendment or just a suggestion?

Mr. Nixon: I'd like to hear what the minister says about it. I don't see why we need subsection 6 and section 2.

Hon. Mr. Rhodes: I think the hon. member has probably touched upon it in his remarks. The purpose of that particular section was that, due to the fact we would not have a municipality or municipal organization in the particular area, some direction would be given to that committee as to how money that would be received in the form of fees would be handled because there would not be the municipality for the money to be turned over to. Of course each of particular areas would be subject to audit.

[3:15]

However, I must say that I don't find it at all unacceptable to consider perhaps what the hon. member has said on the matter of all the fees received going to the consolidated revenue fund and, as is indicated under section 2, that the moneys required for the operation of these be appropriated by the Legislature. I don't find that unacceptable.

Mr. Nixon: If there is agreement here, I want to say further that if it stays the way it is, the land division committees as established would set up a bank fund, a fund for themselves. I can imagine them sitting around saying, "That fund is getting down a little bit, boys." While it would be subject to audit and there would be nothing particularly illegal about anything they would do, I don't feel it is a healthy approach and I would move that subsection 6 of section 1 be deleted.

Mr. Chairman: Could I have that in writing?

Hon. Mr. Rhodes: I wonder if the hon. member would leave that for a moment? The one concern I have is that section 2 simply says, "any moneys required for the purposes," and I believe we should have something in that Act, a section, which would deal with how the moneys that are collected by fees are handled. We should have something in there to indicate to that committee what it must do with fees it does collect. If he would leave it with us, we'll try to put something together in the form of an amendment which might be acceptable.

Mr. Nixon: We will wait for the professional advice, certainly, but we could quite readily say in subsection 6, "The moneys received by the district land division committee by way of fees in respect of application made to it shall be paid into the consolidated revenue fund of the province."

Mr. Good: Mr. Chairman, I have one question which maybe the minister could answer. The fees on applications made for severances are, I believe, controlled, for other land division committees, to \$50 by statute. Would that apply to these land division committees?

Hon. Mr. Rhodes: Yes, the fees would be exactly the same as they are in the rest of the province. While I am up, sir, I would suggest that if the hon. member would simply write out that particular amendment for you, sir, it seems quite acceptable to me.

Mr. Nixon: Yes, I will add it.

Mr. Chairman: All right. We'll revert to subsection 6 of section 1. Are there any other comments on any section of the bill prior to the one that concerns the hon. member for Welland-Thorold?

Mr. Cassidy: I beg your pardon; I had another amendment to section 1.

Mr. Chairman: Is it before section 6?

Mr. Cassidy: It is before section 6. I wasn't aware that—

Mr. Chairman: We had called it. There were no comments prior to subsection 6 of section 1.

Interjection.

Mr. Cassidy: With respect, Mr. Chairman, that is a long section and I had understood that initially the reference was to a subsection of part 30(a). It turns out to be part 30(b)

and I would ask the consent of the House to revert to section 1(30)(b)(i) for an amendment which I have already raised in the debate and I wish to ask the minister about.

Mr. Chairman: Is it agreed?

Mr. Nixon: Agreed.

Mr. Cassidy: Thank you. During the debate I mentioned the need to have land division committees elected locally or selected by a town meeting locally.

I gave the minister the wording of a possible amendment which he returned to me without copying. I'm afraid I didn't get another copy to him but he did understand the intent of it and I wonder if he could comment on whether he is willing to accept such an amendment at this time?

Hon. Mr. Rhodes: Would the hon. member read his proposed amendment?

Mr. Cassidy: Yes, Mr. Chairman. It is in a bit of a scramble—my typed copy is on its way up right now but I think I have pretty much remembered it. I move that section 1(30)(b)(i) be amended by deleting the words "such persons as he considers advisable" at the top of page 2 and by inserting a new section after section 1(30)(b)(i) as follows: "(2) The members of a district land division committee shall be selected by town meeting or shall be elected from the community or communities of the district by a procedure established by regulation and supervised by officials of the ministry."

Hon. Mr. Rhodes: Mr. Chairman, in fact there are two parts that are being suggested by the hon. member. I quite frankly would not be prepared to accept the matter of an election, a formal election—that is, to go out with ballots and ballot boxes and nominations and this sort of thing—for a land division committee. I have some concern about that. I don't like to think that we would want a land division committee made up of people who would be then subject to whatever political pressures there may be as the result of their election to this board, when they are in fact dealing with such things as the severance of land. I think it would be much better to have them in some way less subject to an election sort of atmosphere.

On the question of selecting the members of that committee by a town meeting, that is not unlike what would occur—has now occurred really—in the selection of a local roads board, where the people who are in the area gather together and by a show of hands determine who from that particular area

would serve or how many people would serve on their roads board.

That's the way I certainly had intended it would be done. It wasn't to be a matter of simply going around and selecting names out of the community to serve on this particular committee; it is much healthier, I think to have the people in the community select those persons they would like to have. Not an election, but rather a group of people getting together as they do now for local roads board and saying, "We'd like so and so and so and so to be our representatives from our area on this committee," and have the same happen in other parts of the jurisdiction, whatever size the jurisdiction may be.

If we set up an election process it would concern me. If the boundaries of those areas started to change, if the population balance was changed, it could cause a problem. But the other idea of the town meeting, or a meeting of the citizens in the community to select their persons to serve, I have no objection to having those names submitted for appointment; they would be appointed.

Mr. Cassidy: I think what we might do is consider standing this section until a typed copy is available and then we can reach an agreement.

I'll read that section again though, because—

Mr. Chairman: Let me remind the hon. member that we do not have a formal amendment. Now if you want to just discuss the section, fine. But the Chair can't consider an amendment has been proposed until in fact we get one.

Mr. Cassidy: I am sorry, I had a foul-up in my operation and I don't have a copy of the amendment to give to the Chair if I'm to discuss it here as well. So if the Chair would bear with me.

The proposal is that the reference to the minister choosing such persons as he considers advisable would be dropped. Then there would be a flexible kind of two-pronged process and you could choose either way. "The members of the district land division committee would be selected by town meeting, or elected"—now if you want those words "or elected" taken out, that's okay—"from the community or communities of the district by a procedure to be established by regulation—" which gives you the flexibility, given the fact that it is an organized territory and under supervision of officials of the ministry. If you leave out the election, you are happy with the amendment, is that right?

Hon. Mr. Rhodes: Yes, I'd like to see the amendment later. We can certainly hold it and deal with it when your printed amendment comes in.

I would just like to draw to the hon. member's attention that he made reference, for example, to the area of Sault North where we do in fact have an elected planning board as a result of this special process. Well, their time period has ended.

One of the weaknesses in this process is the one he drew to my attention. That is that one particular segment of the population up there, namely the mobile home dwellers, are not represented and that I think is a weakness. This way those persons would be able to gather together and select their representatives who could well be appointed. I think it would be much healthier that way and to stay away from this formal election procedure. I would have no difficulty with that.

Mr. Nixon: I would like to ask, Mr. Chairman, since we're discussing the Sault North situation, how did you conduct that election? Under what authority?

Hon. Mr. Rhodes: I'm afraid, sir, that was before my time as Minister of Housing. This was done by the Treasurer (Mr. McKeough).

Mr. Nixon: That wasn't back when you were a Liberal?

Hon. Mr. Rhodes: No, it was done long after that. It was performed by the Treasurer. It was back when the hon. member was one.

It was performed by the Treasurer at that time as a result of interest that had been brought to his attention by the people living in that area and wanting some control over land use and what have you. They attempted to establish a planning function for the people, but it was impossible to get them to agree on how that would be done. It was finally resolved that an election would be held at the same time that the municipal election was being held in the area, and they voted for their representatives almost on a ward basis up there. That's how it was done. I don't know by what authority. I can't tell you. It's working anyway.

Mr. Cassidy: I am sending a copy of the proposed amendment over to the minister now and one up to the Chair; then perhaps I can make the motion and we can get this matter disposed of. Incidentally, I understand you wound up by appointing the Sault North planning board, although the people you appointed had been earlier elected. Is that not correct?

Hon. Mr. Rhodes: Mr. Chairman, I think that was the procedure as it is in all planning boards. But the people who were elected were appointed and, in fact, their time frame had actually expired; because they were in the process of moving along with their official plan development, I reappointed them again for another year so they just continued in their service. In fact, we are coming close to the time when there will have to be some other appointments made as well. Which may solve the problem you mentioned.

Mr. Cassidy: In fact, you might consider an election or selection at that time.

Mr. Chairman: Mr. Cassidy moves that Bill 130, An Act to amend The Planning Act, be amended by deleting the words "composed of such persons as he considers advisable" in clause 30(b)(i) of section 1 and by inserting a new subsection 2 as follows: "(2) The members of such district land division committees shall be selected by town meeting in the community or communities of the district and the procedure for such selection shall be established by regulation," and by renumbering the remaining subsections in the clause.

Mr. Nixon: Mr. Chairman, the idea of a democratic base as close to representative of the people as possible is certainly a good one, but what is a town meeting? I mean, I know what it is but, in law, what is a town meeting? Is there a requirement that everybody be informed? Is there a requirement that such a percentage be there? What is a town meeting? Is it the boys having coffee in the back of the restaurant?

Hon. Mr. Rhodes: Mr. Chairman, I certainly wouldn't want to give a definition of what the member for Ottawa Centre was proposing. However, as I understand the way it is done by the local roads board, all residents of the area who will be subject to whatever tax is involved in the local roads board are notified of a meeting. This is really done by one of the good citizens—

Mr. Nixon: Who would notify them? The minister?

Hon. Mr. Rhodes: No, no. It is done by a member of the board that's there. If it is a brand-new board that's starting, I think the notification is sent out by the Ministry of Transportation and Communications for the start-up meeting.

Mr. Nixon: You would have to do it in this case.

Hon. Mr. Rhodes: In this case we would have to send the notices to the whole area to advise them of the initial meeting to form their first board, yes.

Mr. Nixon: My point simply is that while I like the idea, and the phrase "town meeting" is sort of generally understood, it is not defined anywhere. There is no definition as to who is to be informed by whom. When they gather, where do they gather? And who stands up and says, "Now, boys, we are gathering here"? Does the minister go up and do it? Does he send somebody to do it? Really, the question is, what is a town meeting? We are going to have to define it.

Hon. Mr. Rhodes: Mr. Chairman, the point's well taken and I am wondering if we shouldn't consider the wording, because especially in the areas we are talking about there is going to be very scattered development in some areas and a lot of them will be seasonal areas. You would almost have to put in there the words "property owners and tenants" in order to include people who are living in mobile homes. The place is not too difficult; there is usually a place somewhere in the vicinity where people meet or can meet. Practically every community in the north, believe it or not, does have a church that they can attend, although some people down in this part begin to wonder.

[3:30]

Mr. Cassidy: Some of them never go to it.

Mr. Nixon: There is a liquor store.

Hon. Mr. Rhodes: I do appreciate the point that in order to see that there is proper notification to all of those citizens who would want to attend, something more than town meetings perhaps should be worded.

Mr. Cassidy: The words the minister is looking for would be something like this: "shall be selected by a town meeting after due notice to all property owners and tenants in the community or communities of the district." Then it seems to me the rest is established when you say: "and the procedure for such selection shall be established by regulation." It does delegate that from the Legislature to the ministry.

Hon. Mr. Rhodes: Wouldn't it be better, rather than even talking about the words "town meeting", to say "by talking about it to all property owners and tenants," if you will. I am a little concerned about those areas where you don't have a town, where all

you have is a scattered sort of development in the unorganized territory.

Mr. Cassidy: Could the minister's officials not come up with a draft between now and the time when we have finished the remaining amendments and we could stand down that item?

Hon. Mr. Rhodes: Sure.

Mr. Chairman: We will stand that section down and we will revert to Mr. Nixon's amendment.

Mr. Nixon moves that section 1(6) be amended by deleting all the words after "be" in the third line and the following be added: "paid into the consolidated revenue fund of Ontario."

Motion agreed to.

Mr. Chairman: Any discussion on any other section of the bill? If so, which one?

Mr. Singer: Section 4.

Mr. Chairman: I believe the member for Welland-Thorold (Mr. Swart) had something on section 2?

Mr. Swart: Mine is on section 4(2).

Mr. Chairman: Does the member for Wilson Heights have anything on 4(1)?

Mr. Singer: No, I want to talk to section 4(12) and (13).

Sections 2 and 3 agreed to.

On section 4:

Mr. Swart: It is to clauses 12 and 13 that my amendment applies.

Mr. Singer: On a point of order.

Mr. Chairman: The hon. member for Wilson Heights.

Mr. Singer: I thought the hon. member was directing himself to section 4(2). In fact, he is directing himself to section 4(12) and (13).

Mr. Chairman: It was my understanding when he spoke earlier that he was going to speak on section 4(2).

Mr. Singer: Yes, but he is talking now about the effect of the Municipal Board order and he has also indicated he is going to move that subsections 12 and 13 be repealed and be replaced. I wish to talk to 12 and 13 and I think I had the floor ahead of him. I intend to move an amendment and I would like my

amendment to be dealt with first. It is just as simple as that.

Mr. Swart: On the point of order, I would point out that section 4(1) deals with subsection 5 of The Planning Act; that section 4(2) of Bill 130 deals with subsection 6 of The Planning Act. That is the one to which I wish to speak and it has several clauses including clauses 12 and 13. Therefore I suggest that my motion is in order. It deals with exactly the same thing as the member for Wilson Heights, and I think it is in order Mr. Chairman.

Mr. Chairman: If both the member for Wilson Heights and the member for Welland-Thorold are dealing specifically with the same subsection, the spokesman for the official opposition has priority, I am advised.

Mr. Singer: Not in committee, Mr. Chairman, and he didn't have the floor first.

Mr. Cassidy: He was up first.

Mr. Swart: In addition, I was on my feet first.

Mr. Singer: No, he wasn't, Mr. Cassidy. You are wrong again. I had the floor and you recognized me, Mr. Chairman.

Mr. Chairman: I recognized the member for Welland-Thorold and then the member for Brant-Oxford-Norfolk had indicated he had something on subsection 6(1) and we went back to that. I really did see the member for Welland-Thorold on his feet prior to anybody, really.

Hon. Mr. Welch: Challenge.

Mr. Singer: But not on the section.

Mr. Chairman: Mr. Swart moves that subsection 2 of section 4—so there's really no argument—of Bill 130 be amended by substituting the following for clause 12 and deleting clause 13 of said subsection: "The Ontario Municipal Board shall, at the conclusion of the hearing, make a decision which may approve in whole or in part the minister's order, or may reject such order or refer back such order to the minister for reconsideration. A copy of the Ontario Municipal Board decision shall be sent to each person who appeared at the hearing and made representation on the matter."

It's customary for all members of the committee to make copies of any amendments available to the minister and to other members who are interested. This is quite a complex amendment and I suggest that you

should have made a copy of it available to all members concerned.

Mr. Singer: We could consider, in that context, that it is probably out of order, Mr. Chairman.

Mr. Swart: I notice he only said "probably out of order." He wasn't too sure of his point.

Mr. Singer: No. It's so badly worded it's hard to understand. It is incomprehensible.

Mr. Swart: Mr. Chairman, may I speak to this amendment?

Mr. Chairman: You can speak to the amendment but I think it only fair that copies should be made available to the minister and to other interested members.

Mr. Swart: Mr. Chairman, I think the intent of this amendment is rather clear to everyone. The intent and the purpose of it is that property owners who are under minister's orders in planning—he has the right to make orders on any land in Ontario—with regard to zoning or land use should be in exactly the same position as property owners in most other parts of the province, where they come under the municipality.

Mr. Nixon: On a point of order, Mr. Chairman, since we don't have a copy of the amendment right now—it would be much more helpful if the debate is going to proceed—is it part of the amendment that subsection 13 be withdrawn?

Mr. Swart: Yes.

Mr. Nixon: Oh. That's the matter of high principle that separates the NDP from the Liberals, do you remember?

Mr. Singer: That's what makes it so confusing. They supported the government the other day on that very point.

Mr. Nixon: We may find that this is a very important amendment indeed.

Mr. Swart: I am glad you recognize it.

Mr. Singer: You are half-way along the way.

Mr. Nixon: How did you ever turn Renwick around?

Mr. Chairman: The hon. member for Welland-Thorold will please continue.

Mr. Swart: The matter really refers to the appeal procedure with regard to orders being made. In most parts of the province now,

under municipal jurisdiction, where the minister has not made orders under section 2 of The Planning Act, the procedure is that the Ontario Municipal Board makes the decision after the passing of a bylaw by the municipality or by a decision by the land division committee. The Municipal Board normally orders that notices be sent out to all those people concerned and if there is an objection the Municipal Board makes a decision. That decision is binding unless it is appealed to the provincial cabinet.

However, under the circumstances now and proposed in Bill 130 which we have before us, the procedures basically up to the appeal to the Municipal Board are the same under this bill, but when it goes to the Municipal Board, the Municipal Board does not make a decision. It is only a recommendation to the Minister of Housing and this doesn't give the same impartiality that an appeal does if it's made to the Ontario Municipal Board and it makes the decision and then there's the opportunity for an appeal to the cabinet.

Let's just look at the situation and what can occur under the proposals in this bill. There would be an application made in some area—some unorganized area—or perhaps it would be a freeze made on the initiative of the minister, and a decision is made by the minister on the recommendation of his staff. There is then an appeal made to the Ontario Municipal Board by the property owners concerned where the order has been made and the same staff would appear at the Ontario Municipal Board to support the original order. Then, following that, it would be referred back to the minister to make the final decision and the same staff would recommend to him on the final decision.

Mr. Singer: That's what I was arguing the other day.

Mr. Swart: I suggest that is not impartiality and does not provide the same degree of rights in this matter that it does if the appeal is made to the Ontario Municipal Board and it makes the decision.

Let me say that I and my party recognize that too many appeals to the cabinet could bog them down. I also suggest too many appeals to the minister can bog them down. But, in any event, if the majority of people—Let me phrase that another way: If the people living in the majority of the populated areas of this province have the right to have an appeal to the Ontario Municipal Board and the Municipal Board makes the decision, then the people in the rest of this province should have that same right.

I'm aware that the minister will probably say, "Yes, but we need to put on a freeze immediately in some areas," and I concur in this. But even if he does need an immediate freeze, the freeze will be there. There will be the right to appeal and I'm the first person to admit this—there's a very grey area now in between the time an appeal is made to the Ontario Municipal Board in organized municipalities where they have official plans, but nevertheless there is fairly reasonable protection that transactions and buildings do not proceed during that period of time because the legislation can be retroactive back to the day of the passing of the zoning bylaw. They just don't take the chance. I suggest the same thing would apply here.

Regardless of that, I think the people of this whole province should be treated in the same manner, have the right to make the appeal to the Ontario Municipal Board, the Ontario Municipal Board makes the decision and then, if they so wish, they have the right to appeal to the cabinet, not to the same minister who made the decision in the first place.

Mr. Singer: Mr. Chairman, actually, having now had an opportunity to read it and even the little PS from Mel to Mike down at the bottom of it, I find it most interesting. I find that the NDP, yet once again, has completely flip-flopped. Not only did they flip-flop, but the member for Ottawa Centre made a great speech at the beginning of the debate. He led off for the official opposition saying this was a wonderful bill and he and his colleagues were going to support it. His first phrase was: "We will support the bill." Then the member for Welland South, is it, or Welland wherever it is?

Mr. Swart: Welland-Thorold.

Mr. Singer: Yes, he spoke after me and said what I was saying, which is really the essence of the amendment. It was all wrong; no way could he support it at all and that's why he was going to do what the member for Ottawa Centre said.

Then finally the clincher was put on by the member for Riverdale (Mr. Renwick) who got up and in his usual pedantic way, repetitious, erudite as he usually is, he elaborated on why they could in no way support the position that we took.

Mr. Cassidy: Erudite yes, pedantic never.
[3:45]

Mr. Singer: Mirabile dictu—too wonderful to say—as unusual as it is, they have seen the light.

Mr. Renwick: Stick around.

Mr. Singer: And now they come in with an amendment—

Mr. Nixon: The very section you read.

Mr. Singer: —doing exactly what we said should be done and the reason we asked for a vote on second reading was that this should be done.

I must admit that I am glad that they've seen the light, that their speeches on second reading in fact mean nothing when you put them together with the speeches they make in the committee hearing. I can see no difficulty at all in supporting what they now put forward, because it's exactly what we said on second reading and that is why we voted against the bill.

We talked about subsections 12 and 13 of section 4; nothing wrong with this at all. It shocked the member for Welland-Thorold, it shocked the member for Riverdale and certainly it flew in the face of the great statement made in the leadoff by the member for Ottawa Centre. Let me read into the record, just so it won't be lost for posterity, the little note from Mel to Mike. "Mike: Do you approve of the above amendment? It is section 94 of The OMB Act that gives the right for the OMB decision to be appealed to the cabinet."

Mr. Cassidy: I have nothing to hide.

Mr. Nixon: You should have sent it to us in a brown envelope, it would have become a sessional paper.

Mr. Singer: I'm sure you'll recall, Mr. Chairman—

Mr. Swart: In this caucus, we consult.

Mr. Singer: Yes. No, The OMB Act is right behind the throne and I had it here, I read it and my reading was accompanied by the usual rude noises from those three gentlemen who are now sitting in the front row of the official opposition benches. However, I'm glad they have seen the light and I'm happy to say that we can now support their suggesting that they support what we said last Tuesday afternoon.

Mr. Ruston: Flip-flop.

Mr. Cassidy: Maybe the minister wishes to comment. I just want to say that when I spoke on this bill, I, like the member for Brant-Oxford-Norfolk, indicated support for it. In our case the reason for indicating support was the feeling that it was important

—and I discussed this with the minister—to allow remote northern communities and other unorganized parts of the province to have some control over their own destinies and to take their consents and severances and that kind of thing out of the hands of Queen's Park where they've been for too darn long. That was the most important principle of the bill, in our opinion.

The aspect which the member for Wilson Heights has objected to and which led him to change the position of his party as it had been earlier enunciated by the member for Brant-Oxford-Norfolk, was that it was so important to defeat something that had been in The Planning Act for many, many years, that the Liberal party was prepared to see the entire bill, including this decentralization of northern communities, go down the drain.

On Tuesday we had a rather interesting spectacle, because the first spokesman for the Liberal party got up and said he had some reservations but he thought the bill was okay. And the second spokesman got up and said he had rather more reservations, but he was so vaguely prepared to go along with it by the time that the member for Wilson Heights and the member for Sarnia (Mr. Bullbrook) had spoken, the Liberal party had gotten itself into full-fledged opposition to a bill which initially it was prepared to support.

I would like to suggest that our position is a good deal more constructive, because the—

Mr. Singer: Which one?

Mr. Ruston: Which one? Last Tuesday's or today's?

Interjections.

Mr. Singer: Tell us which position you are talking about.

Mr. Cassidy: The position that we have adopted right through the bill. We now have a bill which caters to the needs of northern municipalities, which the Liberal Party is never prepared to concede or to give credence to—

Interjections.

Mr. Ruston: Pretty weak, Mike.

Mr. Cassidy: —and we are also now taking the opportunity to put people in those municipalities where ministerial zoning orders are in force under the same rules as people who are in other parts of the province.

The member for Welland-Thorold and I have had some very interesting discussions about these, because I have to confess that I initially—

Mr. Nixon: The member for Riverdale got involved at some stage.

Mr. Cassidy: —I was not seized with the disparities that were involved. Perhaps I was overly impressed with the danger that the cabinet would be swamped, but I think the real position is this. The minister will probably get up and say the cabinet shouldn't consider these types of appeals. Frankly, I agree with him if he says that. The problem is that the procedure right now, whether it is appeals arising out of OMB decisions on municipal zoning decisions, or whether it's appeals against the minister's rules, neither of those should go before the cabinet.

Those matters will get resolved in the Planning Act review on which Mr. Comay is going to make a report in the very near future. We in this House on this particular bill should be trying to bring the practice into line, whether it's about OMB decisions about ministerial zoning orders or OMB decisions about local planning decisions.

Therefore, I would suggest that what we are proposing here is consistent, it is fair and it means that people are not put in a position where the minister is judge, jury, inquisitor and executioner on any zoning decision on which they may be seeking action where a ministerial zoning order or zoning freeze is in force. I am glad the Liberal Party is supporting the amendment by the member for Welland-Thorold and I hope the minister agrees to it as well.

Mr. Nixon: I would like to say something about it, particularly since the last speaker mentioned my name. It is true that we do believe there should be land division committees in the north.

Mr. Cassidy: Ah, but you didn't vote that way.

Mr. Nixon: Oh, yes.

Mr. Cassidy: Oh, no.

Mr. Nixon: But I'll tell you, Mr. Chairman, in my remarks the other day—

Mr. Cassidy: You would have killed the thing by your opposition.

Mr. Singer: Pretty weak.

Mr. Chairman: Order, please.

Mr. Nixon: —we haven't even come to grips with it.

Interjections.

Mr. Nixon: In the section coming up, section 5, I indicated in my previous address that there was the real meat of the bill because it was an attempt by the government to set straight a legal fiasco into which they had got themselves since they had not held hearings based on ministerial orders. This thing is a nice envelope of pretty paper around that kernel.

What they are intending to do is to establish a procedure so that there will be hearings and in the future they will not be declared illegal by the divisional court of Ontario when they proceed as they have been proceeding in the past. It was my attempt with the great support and strength of my colleagues in putting the argument before you—and apparently it was very persuasive as far as the NDP is concerned—to point out that it was a facade and a sham to escalate an OMB hearing, as if it had something to do with the final hearing, and leave in the bill a section which says that after considering the report of the Municipal Board, the minister may either amend, etc., or he can take any decision that he chooses.

It simply meant that the hearing would be established before the Municipal Board and then the minister when he got the report could do anything he wanted, throw it in the basket, reject it or say nothing about it, I suppose, he could even observe the order of the board if he chose, but essentially all of the power was with him. I called it a facade at the time. I said the people concerned would be misled—and I know, Mr. Chairman, we don't like to use that word in this House for some reason—into thinking they were having some input into a final decision when in fact they should be pounding on the door of the minister.

I was quite interested in the response particularly from the member for Riverdale, a man for whom I have a great deal of admiration. I thought he would have trotted out McRuer, to tell you the truth, because there is a section in the McRuer report that indicates fairly clearly that there should be a position taken by a minister beyond all of these appointed boards. But the point I made and which was made by my colleagues at the time was that there is a clear procedure for appeals to the cabinet which is of course the highest political body and wields the power in this province without appeal except to the electorate. So it works beautifully and it

works democratically, if the sections we were critical at that time were left out.

The member for Riverdale got so carried away he said this is a basic division in philosophy and principle between the socialist and the liberal. It was when he said that from his point of view it was one of those partings of the waters of the Red Sea that we decided it had to be voted on because we had stated our position and we knew their position was wrong. Since he was prepared to hammer their position to the masthead of the socialist party, the NDP, then we felt it could not pass through this House without a division in which the NDP was shown to be directly voting with the government on this matter which they themselves said was a matter of high principle.

I can only presume that one of the public relations people in their party has called one of their famous press receptions this afternoon because in a matter of this great concern the members of the press are obviously busy elsewhere.

Here is one of the most significant divisions in this House, where we are indicating as a party—and we did when we were talking about it in principle as well as when we were talking about the amendment—where we indicated clearly that the bill was bad, that it could not function effectively as far as these sections are concerned and I indicated that we were prepared to amend it. We were prepared and are prepared to amend it. It was only by subterfuge, in my opinion, that the hon. member for Welland-Thorold indicated that he wanted to—

Mr. Cassidy: Oh shame!

An hon. member: “Oh shame” yourself.

Mr. Nixon: —talk about subsection 2, and in fact wanted to amend subsection 12, that he was able to—

Mr. Cassidy: On a point of order, Mr. Chairman.

Mr. Chairman: Point of order.

Mr. Cassidy: The hon. member for Brant-Oxford-Norfolk has accused the member for Welland-Thorold of subterfuge. I believe that language is unparliamentary, and I would suggest it be withdrawn.

Mr. Ruston: That’s a nice word.

Mr. Chairman: I have a list of unparliamentary words and “subterfuge” doesn’t happen to be among them.

Interjections.

Mr. Singer: That’s right. You are wrong again, Cassidy.

Mr. Nixon: After all, I didn’t suggest that the hon. member has misled us—that is something, of course, that we don’t permit here.

Mr. Singer: It wasn’t even deliberate subterfuge. He wasn’t smart enough to know.

Mr. Nixon: I’ll tell you, Mr. Chairman, that this is an instance, surely, where we will be able to keep the government on the right track in this connection. It appears that the amendment will carry. I think that the amendment, now that the NDP has seen the light, is a good one. I can’t see too much wrong with it although my colleagues may examine it and find something wrong with it subsequently. But I think, in fact it does precisely what we pointed out should be done by this bill. That is we must have hearings—and the divisional court has said we must—and if those are going to be hearings of any significance they must be binding, subject only to the normal procedure of appeal, not in and out the minister’s back door, but to the cabinet itself. Surely this is what the democratic process is all about.

Mr. Renwick: I feel as though I’m engaged in a Parkinsonian debate in the Legislature this afternoon and it is only because the member for Brant-Oxford-Norfolk raised the question that I would say that I prefaced my remarks by the word “if.” I said if this should be a matter of significant difference—

Mr. Nixon: Oh well, under those circumstances.

Mr. Renwick: —between the Liberal Party and ourselves so be it. I didn’t say, of course, that it necessarily was.

Mr. Nixon: Well, you were in full flight. I thought that finally there was a difference.

Mr. Renwick: I always work within our caucus to bring about any healing of any division there may be between your party and our party, particularly when there’s a minority government and we’re anxious to have an election.

Mr. Nixon: Now you just stay—

Mr. Singer: Mr. Chairman, I’m very happy that my colleague, the member for Riverdale, got into this debate. It makes my reading of certain extracts of his remarks on Tuesday afternoon all the more relevant.

I think that we should not let this time go by without just paying some little atten-

tion to what the hon. member for Riverdale did in fact say on Tuesday afternoon.

Mr. Renwick: Mr. Chairman, on a point of order, isn't there a rule against repetition?

[Laughter]

Mr. Singer: The member for Riverdale, you know, he's quite a fellow. He sat back and gloried in being the last in the debate and I watched him carefully. This is one of his techniques.

Mr. Nixon: Another subterfuge.

Mr. Singer: And he was going to let everyone who had anything to say speak their piece and he was going to come up with the penultimate decision. He was going to either destroy the government or save them. In one fell swoop he was going to persuade his colleagues or even tell them, which way to go. It was very confusing, having listened to the member for Ottawa Centre, to find out what they were doing, except they thought it was a great statute.

The member for Welland-Thorold—I've got a couple of his. They are not as good as the remarks of the member for Riverdale; I've got a couple of his comments. But he was fairly definite, he said, for instance: "I am also inclined to think, in spite of the court decision, with the other changes that have been made in section 4 of this bill, that you don't need to say no notice or hearing is required prior to the making of an order. Certainly, generally, and I'm sure the minister will agree with me, there is value in consultation" before the order. Then he goes on to say section 4 as it stands is fine—

Mr. Swart: I did not. Read that.

Mr. Singer: —and you don't need the Municipal Board decisions to be binding. But as I say, the better remarks and the more lucid ones, repetitious and redundant as they were, come from the hon. member for Riverdale. He says: "We in this party don't object to that provision." That's section 4(12) and (13). Now he said that. Those were his words. I'm not guessing what he said, he said it. "We think that the public interest, at this point in time in the province of Ontario, requires that the public interest in land use should be a matter ultimately, after proper hearings and after you consider the questions related to land use, must be matters of policy in the final analysis."

[4:00]

He talks a little convolutedly. "They must be political decisions in the sense that they

must be decisions of the government which must and can only be dealt with in the overall policy of the government and the way in which the people of Ontario accept that policy at the polls"—this is all one sentence, I want you to know—"when and if, as occasion may require, there is recourse to the electorate."

"I do not think," he says, "it is possible to make the argument that you can require the government to have the responsibility for its land use policies as a matter of policy on the one hand, and then suggest that provided the government has given an opportunity to hear fairly and properly both sides to any given issue, if occasion should require that be done, that it must then of necessity accept as final the decision of the Ontario Municipal Board."

Mr. Chairman, you will recall this was after substantial reference had been made to section 94 of The Ontario Municipal Board Act; that's the section that is mentioned in the note from Mel to Mike. Obviously the hon. member for Riverdale wasn't listening, or paying any attention, and now thinks he is able to defend this amendment.

All I hasten to emphasize and repeat—as many times as is necessary—is that I wish the members of the official opposition would be able to get together sufficiently frequently to know what each other is thinking. When they say something on Tuesday afternoon, they should all be able to remember it at least as late as Thursday afternoon. In that way, maybe progress would be made with less posturing, less beating of breasts and less shouting from the three members who are inhabiting that front bench.

Mr. Wildman: I find it rather amusing to listen to this debate and hear the member for Wilson Heights say he thinks the members of the official opposition should get together more often to discuss things so they can all be in agreement, when one considers his party's positions on many things and in many debates in this House. Also, I find his comments about posturing and so on rather amusing, considering the source of those comments.

I just want to make clear that our party, throughout the deliberations on our position on this bill, has been determined to ensure that people living in unorganized communities in the north should have some of the rights that residents of other municipalities throughout the province take for granted when it comes to land divisions and severances. Our position in supporting the bill on

second reading was determined by the fact that we wished that these communities should have those rights. We are now attempting to amend the bill to try to make it—

Mr. Kerrio: As liberal as you can.

Mr. Wildman: —the best we can, considering it is obviously sometimes difficult to give people in unorganized communities the same kind of rights that people have in the municipalities when we don't have electoral bodies and so on.

Mr. Chairman: That's under section 1 of the bill, not section 4.

Mr. Wildman: Thank you, Mr. Chairman.

Hon. Mr. Rhodes: Sock it to him, Mr. Chairman.

Mr. Wildman: I just want to say the reason we are putting forward this amendment is that in addition to supporting the bill and accepting the principle that these committees will be set up, we now want to give the residents of the communities the same rights of appeal as they have in other municipalities and to ensure that there is as much unbiased approach to those appeals as possible. For those reasons we supported the principle of the bill last Tuesday, and I don't see it as any contradiction to try to amend it to make it better here in committee.

Mr. Good: You never looked at it until five minutes ago.

Mr. Nixon: Just one additional comment before the minister speaks. I would like to quote from the "quick" Hansard of November 2, 1976, where Mr. Renwick says:

"But I do want to say if this distinguishes the New Democratic Party from the Liberal Party in the area of land use planning in the Province of Ontario, well, so be it."

Mr. Renwick: That's right. That's right.

Mr. Nixon: It was on that basis that we decided that if he thought it was so important, it was necessary to divide in principle. This we did, and in case anyone happens to read this debate in history, it should be recorded again that the NDP voted with the government at that time.

Mr. Chairman: The hon. member for Wel-land-Thorold.

Hon. Mr. Rhodes: Come on, you guys.

Mr. Swart: Mr. Chairman, I don't think anybody on this side of the House denies that we voted with the government.

Mr. Chairman: Let me remind all members of the committee that we have an amendment proposed by Mr. Swart and I hope you will address your remarks to subsection 2 of section 4 of the bill.

Mr. Swart: May I, with respect, point out, Mr. Chairman, that perhaps from my first sentence it would be difficult not to tell that I wasn't going to deal with the amendment that we have before us.

Mr. Cassidy: It was a pattern established in the previous debate.

Hon. Mr. Rhodes: Order.

Mr. Swart: Mr. Chairman, I just want to say that even though every member of our party had been in opposition to this particular section we have under debate, we still would have voted for the bill in principle because it did give added local autonomy—local decision-making—to the people in the unorganized areas.

Hon. Mr. Rhodes: Including the region of Niagara.

Mr. Swart: Including the people in Niagara.

Mr. Nixon: That's for local consumption.

Mr. Ruston: Do you think anybody will believe that, Mel?

Hon. Mr. Rhodes: Including the region of Niagara.

Mr. Singer: Why don't you send for Stephen? Stephen will explain.

Mr. Swart: I think perhaps there are people in this House who would not believe it because there is a group in this House who don't know what they believe.

Mr. Singer: That's clever. That's clever.

Mr. Swart: Mr. Chairman, I would like to point out again—because it has been questioned—

Mr. Kerrio: You are going down for the third time now.

Mr. Swart: —that there was no subterfuge in the amendment which I proposed—

Mr. Kerrio: With Mike.

Mr. Swart: —that in fact the numbering in my amendment was correct. The confusion existed on the left down here because he just didn't understand the numbering. Maybe that was because he didn't have the amendment in front of him.

Mr. Nixon: You are pretty good with numbers. You are pretty fast on your feet too.

Mr. Swart: But the numbering was correct and I was in order. May I point out also that in excerpts that were read from Hansard there was no contradiction whatsoever. I thought the member for Wilson Heights would be quoting something that somehow or other would show there was contradiction in what I said, what the member for Riverdale said and what the member for Ottawa Centre said. There was no such thing at all in that.

Mr. Singer: Were you challenging the Chair or was he challenging you?

Mr. Swart: There was no such thing at all on that.

Mr. Singer: No, just reversal. Just reversal. That's all.

Mr. Swart: In fact, Mr. Chairman, all the reading really proved was that the member for Wilson Heights could read, and that perhaps not too well. There is agreement in principle, Mr. Chairman, in this caucus on the bill.

Mr. Singer: Which principle? Is it Tuesday's principle or Thursday's principle you are talking about?

Mr. Swart: We may divide on some difference of opinion on a minor thing, but believe me the divisions of opinions in this caucus are not of the magnitude that anybody is going to walk across the House.

Interjections.

Mr. Nixon: The NDP has more positions than Masters and Johnson.

Mr. Swart: I finally want to say that the real division, and the one to which my colleague from Riverdale addressed himself, were in the general remarks from the speakers in the Liberal caucus. Nobody could listen to them and come to any other conclusion than that they were against planning, period.

Mr. Ruston: Is this in the amendment?

Mr. Swart: And that is the philosophy on which we divided.

Mr. Good: You didn't divide. We divided.

Mr. Singer: I'll be back. Hold on to my seat for me while I am gone. I want to make a phone call.

Mr. Cassidy: Mr. Chairman, I just want to point out that we were totally consistent on Tuesday and we are totally consistent today. The Liberal Party on the other hand was not consistent on Tuesday at all—

Mr. Renwick: It was totally consistent for them.

Mr. Cassidy: I want to read into the record very briefly the comments of the member for Brant-Oxford-Norfolk who did express concern about the section that we are now amending.

Mr. Nixon: Right. You didn't.

Mr. Cassidy: He then said: "So I certainly have concern in this." He went on to say: "I believe that since it is before us in principle, the matters for establishing the land division committees in the north and so on, it would be ridiculous for anybody to propose opposing that bill because, of course, there are some good parts in it."

Mr. Nixon: It was then proposed by the member for Riverdale to be a matter of principle dividing the parties.

Mr. Cassidy: It's a pity the member for Wilson Heights has left because he then chose to take exactly the ridiculous course of action that the member for Brant-Oxford-Norfolk had warned against. The member for Brant-Oxford-Norfolk then suggested that the Liberal Party might have some amendments on this particular section. That is precisely what we have done. I think it's a responsible and consistent way to act.

Hon. Mr. Rhodes: Mr. Chairman, I have thoroughly enjoyed the last few moments.

Mr. Nixon: But you are going to lose the vote. How are you going to enjoy that?

Hon. Mr. Rhodes: I must say, having been here at the time these remarks that have been requested into Hansard were made by the various members, and having listened to the inconsistencies that have been charged by one group to the other, I guess I'm the only one who was consistent in the whole thing.

Mr. Ruston: You are wrong all the time.

Mr. Swart: You are consistently wrong.

Mr. Ruston: You made one major mistake about five years ago.

Hon. Mr. Rhodes: There are a couple of points I'd like to make on this bill. First of all, there is some suggestion by both of the parties opposite that what is being proposed in the bill has some sort of a mysterious quality about it, that the minister, to quote the member for Brant-Oxford-Norfolk, is going to have them slip in the back door, throw them on the floor and pay no attention to them.

Mr. Nixon: No. That is something else you're thinking of.

Mr. Kerrio: You're relishing this.

Hon. Mr. Rhodes: When you suggest that the only way justice can be dispensed would be to have a whole series of appeals and hearings, to have the necessity of sending each and every application, each and every request for a hearing or for an appeal to the cabinet, I really wonder if you're serious about wanting that to happen. If you take a look at this whole province, and we're talking now not only about the unorganized territories, I must agree that these people should be given the same opportunity as anyone else has to go through the processes. But we're talking about such areas as Cavan township, where there are thousands and thousands of lots—I may be overstating the case—hundreds of lots which are all going to have to be dealt with practically individually because of the checkerboarding that's gone on down there, and where we have a minister's order on.

Mr. Nixon: It was permitted under this Conservative government.

Hon. Mr. Rhodes: There are other areas, for example, over in the area represented by the hon. member for Brant-Oxford-Norfolk (Mr. Nixon) in the Haldimand-Norfolk area where there are some zoning orders on, where we'll be dealing with individual parcels of land. You're always going to have these areas of conflict.

Mr. Nixon: They have a full planning board there, established under regional government. It has been going for over three years, why do you think you can do it better than they can?

Hon. Mr. Rhodes: But there is a zoning order on the land, and if there is an appeal from that zoning order, it would go under the process we have in the amendment to the Ontario Municipal Board. From there you're suggesting if there's an appeal from the Ontario Municipal Board's decision, as is proposed in the amendment by the hon. member for Welland-Thorold, each individual appeal would have to come back to cabinet to be dealt with in that usual process.

Mr. Nixon: You can hear any appeals you want in cabinet.

Hon. Mr. Rhodes: As long as you understand that that is what you are proposing and that that's what you want to see happen. Quite frankly, I've listened to the debate both on second reading and here again today and I must confess that the eloquence of the members opposite has influenced my decision considerably.

I have listened to the member for Riverdale, for whom, like yourself, I have great respect. I listened to him here on Tuesday when we dealt with this, and I must say that he totally convinced me that I was absolutely right in my position on that bill. It was the same with the member for Ottawa Centre. He convinced me I was right. I took the advice of those two gentlemen, as I have on many other occasions, and said I must be right. It gave me cause for concern, but I felt they were right. I listened to Mr. Justice Singer—I'm sorry, the hon. member for Wilson Heights—and he made some sense. I find myself in the very difficult position to have to suggest to you that I think I will accept the amendment and will allow it to stand.

I have thoroughly enjoyed the debate that's gone on between the Liberal Party and the New Democratic Party, and I would be pleased to listen to any further comments you want to make at each other. I think we could accept the amendment.

[4:15]

Mr. Nixon: Very good.

Motion agreed to.

Section 4, as amended, agreed to.

On section 5:

Hon. Mr. Rhodes: Don't push your luck.

Mr. Nixon: We may not get there. But this is another matter of principle.

Hon. Mr. Rhodes: You never even made principal. What are you talking about? You left.

Mr. Nixon: You don't even know how to spell.

I just draw to the members' attention the wording of subsection 1 of section 5: "No order or regulation heretofore made in exercise of the powers conferred under section 32 of The Planning Act is invalid by reason only of any deficiency in the making or bringing into force of such order or regulation, including the lack of a hearing at any time prior to the coming into force of this section."

In other words, it means if we have made mistakes in the past—and this is an admission that the government has because the divisional court of Ontario has declared invalid the ministerial orders that have come before them under these circumstances—the government or the minister wants us to say that although they have made mistakes in the past because of not having adequate hearings and so on, all of this is reversed and we as a Legislature are asked to declare all of those decisions declared invalid by the courts to be now valid and retroactive.

This is the heart of the bill. I have a feeling that the minister, being naive as he is—

Hon. Mr. Rhodes: Uncalled for, Mr. Chairman.

Mr. Nixon: —was thinking that he was going to cloak the nut of this bill in all of this other peripheral material that we have been discussing and allow it to slide through. The explanatory note says: "The effect of the section is to provide that previous orders of the minister made under section 32 of the Act are not subject to being declared invalid . . ."

I personally believe we would be remiss in our duty if we voted for section 5. The minister may say that there are areas which are presently under ministerial order in which he must make every decision as to a severance, he must make every decision as to a building permit whatever the circumstances may be, and he is indicating that he wants those orders made retroactive and validated by action of this House.

I mentioned to the House that in my own area in Haldimand-Norfolk there is a tremendous area under ministerial order and has been now for close to four years. That whole area has been for three years subject to regional government—Jim Allan, a former member, a friend of ours, can tell you all about the political ramifications of that decision with all of the planning powers that were justified—or let's say that were the justification for regional government at the

time. I can hear Mr. McKeough and Mr. Meen and others say, "How can we plan for this growing area if we don't have these special and important regional planning powers" that were given to them by a majority of the House at that time.

The powers are there for planning in those areas and I submit that powers for planning exist in most parts of the province. The days when some kind of a construction firm like Multi-Malls goes into the city of Chatham and discovers that there wasn't an easy way to build a shopping centre in Chatham but they could go a mile outside Chatham and put up a \$7-million establishment there without any sewer connection or any water other than wells—the sewer connection was the septic tanks at that time—and get it approved, those days are gone. I just recall to your mind that I'm talking about the town of Chatham where the Treasurer (Mr. McKeough), who is not in his place here, the father of modern planning in this province, sits and lives in the backyard and hasn't bothered any regional government or anything down there.

Mr. Ruston: He is afraid of it.

Mr. Ferrier: Did the member for Essex (Mr. Ruston) lobby for the shopping mall?

Mr. Nixon: I would say to you, Mr. Chairman, that if we do not support section 5, it will in no way throw the planning precodures of this province into any kind of chaos, as the minister may argue. He can bring orders again today or tomorrow on those lands, subject to the requirements under the amendment to Bill 130, which I'm sure he would want to live up to, saying okay, the minister has put the orders on them, now let's have a Municipal Board hearing.

There is nothing unfair about that, and in fact it restores justice in a very real sense. It's a matter of concern to me that it is possible that section 5 must be carried by this House, because I would feel it would fly in the face of all of the democratic principles that those of us elected to this House are really required to uphold. I urge that the members here who will examine this section will see that it should not be passed. We don't have to move that it be deleted but we intend to vote against section 5.

Mr. Singer: Mr. Chairman, I rise to support as strongly as I can the remarks made by the hon. member from Brant-Norfolk-Haldimand.

Mr. Nixon: Brant-Oxford-Norfolk.

Mr. Singer: Brant-Oxford-Norfolk. Right. It seems rather strange that the government, having yet again stubbed its toe on legalities, would think that the way we get rid of this bad draftsmanship, this improper procedure, is to bring in a blanket excuse and put it into the statute and say "whatever we did wrong is now right." The wording is poor, it's far too widely drawn. Surely there is some sense in the kind of procedures that we have established, as a result of that old Bill 99, the report of James Chalmers McRuer, the civil rights statutes, the various new appeal bodies, the creation of the divisional court, notice, all these things—surely there's some sense in that.

If we allow all of those new steps which were guaranteed to provide hearings to bind the government by its own statutes—to stick by the rule of law so that in fact it is the rule of law, and not the rule of men—and if we throw that all out the window because the minister or his advisers made a mistake and are now going to be corrected this day and forever more by saying the minister can do no wrong, it's a very bad principle we're establishing. As my colleague said, a negation of the democratic principle.

Mr. Nixon: He is right.

Hon. Mr. Rhodes: He is not right.

Mr. Singer: Surely, if the government wants to rewrite the statute it can bring in an appropriate amendment which will still preserve individual rights as well as setting forth the ideas of the ministry. Surely it has to be wrong in principle that every time a court says, "No, you can't do this. We have a statute," and the majority of this House votes to overrule what the courts have already decided. Surely that's a negation of the democratic idea. That's what they're doing.

Mr. Renwick: No.

Mr. Singer: No? The member for Riverdale is off again. I can hear from his grunting over there that he's going to get up and once more defend the right of a legislature to override important democratic principles. To coin a phrase, if that's the difference between the NDP and our philosophy, so be it.

Mr. Nixon: So be it.

Mr. Singer: So be it, yes. We believe that Section 5 is an improper expression of the democratic principles that should apply to the people of the province of Ontario. We believe section 5 as it is presently drafted should not be in the statutes and we're going to vote against it.

Mr. Swart: I want to say, Mr. Chairman, that I have not really been convinced by the arguments put forward by the speakers on the left.

Mr. Singer: So be it.

Mr. Swart: I might have been more convinced if they had moved an amendment to section 4, subsection 1, where in the new bill it says, "No notice or hearing is required prior to the making of an order under subsection 1"—

Mr. Nixon: That is reasonable.

Mr. Swart: I might have been more convinced then that we should support them on section 5. However, when they did not do that and when it would appear the intent of the original Act was relatively clear in this respect, and the courts in the one case have turned it back, to go through all the court hearings again, or to go through all these procedures again, doesn't seem to be a very practical way of dealing with it when the intent was there. I suggest that the intent, when it was there, meant you would apply more retroactivity by doing what was proposed than by going along with the bill that is before us.

Mr. Renwick: Mr. Chairman, I think this kind of point, which lends itself to some form of specious rhetoric, requires a specific response by this party. I think there are three reasons, probably in an ascending crescendo to "laudissimo," which would indicate the reasons why we think this particular provision must remain in the bill.

Subsection 2 of section 5 carefully protects, is designed to protect and—if the actual date October 26, 1976, is not the proper date to be in the bill because of the time when we are debating it—properly protects the rights of any person which were a matter of decision in a court in the province of Ontario. We must remember that the Orangeville case, as distinct from the reference to the Supreme Court of Canada on the constitutionality of the AIB legislation—

Mr. Singer: What did Mr. Justice Lief say about the Orangeville case?

Mr. Renwick: The Orangeville case dealt with the specific rights of specific persons before the court and was so adjudicated. This section protects the decision of the court and ensures that the rights which were established by the court in those cases are preserved. It does so also with respect to anything up to October 26—and I don't know

whether or not that particular date should be changed.

Mr. Singer: Too bad you didn't have a minority decision to put your teeth into this time.

Mr. Renwick: Secondly, this party stands, and has stood continuously, for orderly processes in this whole question of land use and development. I think it would be quite disorderly and indeed chaotic, considering the number of orders that have been made by the minister in good faith under section 32 as it stood up till this time, if they should be subject to being upset at any time in the future, provided that any particular party wanted to raise an objection to them. Perhaps at any time in the future is too long. I don't think the courts would have permitted an abuse of the process by allowing orders to be upset at a distant time in the future.

Mr. Nixon: The minister doesn't have to order a hearing if it is frivolous.

Mr. Renwick: For those reasons I want to indicate precisely and accurately that this section of the bill is consistent with the democratic principles, as we understand them, of the ability of this Legislature to make changes where they are necessary—

Mr. Nixon: Retroactive declarations of virginity.

Mr. Renwick: It is consistent with the protection of rights of persons established in the courts, as they are protected under the Orangeville case and under any other matter which is before the court.

Mr. Singer: I really believe the socialists would be worse than the Tories.

Mr. Renwick: What is more, if one will read carefully what Mr. McRuer had to say in his report, it protects and adheres to the very principles that Mr. McRuer enunciated. So, for those reasons, we will support section 5 of the bill if there is a division called by my friends to the left.

Mr. Singer: Which principles did McRuer enunciate that said that?

Mr. Nixon: I want to say briefly something more about section 5. I regret very deeply that the official opposition hasn't had a chance to caucus this. If the vote were only going to be held tomorrow, say, they would have had a chance to reconsider—

Mr. Renwick: We are not having a caucus tonight.

Mr. Nixon: Yes, but you often hold caucuses on the spur of the moment, I understand, when you make a wrong decision in the House.

Mr. Singer: Maybe "Dear Mel" could write another note.

Mr. Nixon: I feel that the NDP is making a wrong decision—

Mr. Renwick: Mr. Chairman, on a point of order—

Mr. Nixon: —and I am interested in hearing the member for Riverdale indicate—

Mr. Deputy Chairman: Order, please. The hon. member for Riverdale will state his point of order.

Mr. Singer: As usual, he's out of order.

Mr. Nixon: —that it is in the best democratic tradition to pass a piece of legislation which is retroactive—it deals with only things in the past—and which really says, in spite of what the courts say, what the government is doing is right. Now if that's in the best democratic tradition it sets the NDP apart from the Liberals in principle, and so be it.

Mr. Singer: So be it.

Mr. Cassidy: You were willing to support this on Tuesday.

Mr. Nixon: I would say, Mr. Chairman, that when the NDP votes with the government in this it will be a very serious matter.

Many people have spoken, let's say, about the situation in Orangeville. I have a feeling that the member for the area is getting ready to say something about the situation in Orangeville, because I know he feels very strongly about it. There was also a court decision in Timmins. But beyond that, if this section were to fail, then any place where ministerial orders are applied now the minister would have to make new orders tomorrow or tonight and there would be no change whatsoever, except there would be hearings making it necessary for the minister to justify the need for the order.

Now how is he going to justify the need for the order in the regional municipality of Haldimand-Norfolk? I've already indicated clearly that the order should be withdrawn and I would suggest to you that if this section were deleted from the bill and the minister sat up all night with his able advisers and reconstituted the orders under the new requirements they would not be reconstituted in Haldimand-Norfolk. Because the elected

council down there, with their planning capability, could look after the planning requirements of that area starting tomorrow, if the minister would get out of the way.

It has been said in this connection that zoning bylaws have been inadequate in the area, and I will say to you, Mr. Chairman, that they will continue to be inadequate as long as the minister is taking the planning responsibility here at the centre, which is what he likes to do and what Tories do best. As long as big brother is going to sit down here making the tough planning decisions for Haldimand-Norfolk, then I would suggest to you, Mr. Chairman, that there's never going to be a time when the minister or his successors are going to feel that the orders can be removed until the government is defeated. Because the Conservative approach to this is that the knowledge resides here with the power and they are not prepared to put the responsibility where it belongs at the local level. The NDP would be worse—

Mr. Singer: Far worse.

Mr. Nixon: —because they, using the best legal talent around—I must say second-best legal talent around—

Mr. Cassidy: No, it's the best.

Mr. Nixon: —can justify or attempt to justify a vote in favour of section 5, which retroactively declares by the undoubted power of this Legislature that what the government did, which was found wrong and inadequate by the courts, is in fact right. It is like restoring virginity by order in council. I don't believe that in fact it can be done, or should be done.

Mr. Renwick: I just want to ask the minister two questions so that I'm certain I understand this provision. I understand that from the date of the decision in the Orangeville case, which was about a year ago, until now, until October 26 or whatever the appropriate date should be in there, that any person against whom an order had been made, if they had moved to assert their rights in the court, are protected under this bill. So anyone who was affected by any of the ministerial orders which we are discussing in the changed procedure here, had a whole year within which to take action in the courts about it.

Mr. Singer: Getting a little nervous, are you?

Mr. Renwick: The second thing I'd like to know is whether the date, October 26, 1976,

is the appropriate date, or should that date not rather be the date on which that section of the bill comes into force?

Hon. Mr. Rhodes: Just to reply to the question, Mr. Chairman, it is correct that anyone who has an application before the courts at this time certainly was not prevented—and I think the amendment stipulates that—from carrying on with their particular action in the court. But then I think even over and above that this section 5 does not at all prevent anyone whose property is now under an existing ministerial order from requesting and receiving a hearing before the Ontario Municipal Board. They can request and they shall receive, as is under the Act. It is not intended whatsoever that those persons whose land is now under ministerial order be not included in the provisions of this amendment, which would allow them to go to the Ontario Municipal Board for a hearing and from there, I may add, to appeal to cabinet now.

Mr. Singer: I think before we come to vote on this—and that looks as though it is the direction in which we are moving—we should perhaps have clearly understood what this section says. Let's look at it and let's read it.

Mr. Renwick: The minister just explained what it said.

Mr. Singer: Is the member for Riverdale concerned? I listened painfully carefully to him. I am not very educated, when you are finished, but please give me the courtesy of letting me speak without interrupting me.

Mr. Renwick: I am wondering whether you just shouldn't sit down and read it quietly to yourself.

Mr. Singer: Would you do that? Thank you. Section 5(1) says: "No order or regulation heretofore made in the exercise of powers conferred under section 32 of The Planning Act is invalid by reason only of any deficiency in the making or bringing into force of such order or regulation, including the lack of a hearing at any time prior to the coming into force of this section."

"Including the lack of a hearing" is the one that the Orangeville case went on. And that's the after-thought; that's the last phrase in that section. The point I made on second reading is even more valid as you look and listen at what that section says. I am concerned about such matters as section 32(14), which says that no ministerial order can be made which is contrary to the official plan.

The minister in his reply the other day said—and I took particular note of his words—he wasn't aware of any order that was made that was contrary to the official plan. He did not say and I am sure he would not even say today—and I invite him to do it if he feels it's appropriate—there hadn't been any such orders. I know of a few and I am quite sure there have been a substantial number. There are invalid orders in fact around that are contrary to the official plan and perhaps contrary to some of the other parts of section 32.

I think it is just an atrocious thought to bring a section like this before the Legislature. If you want only the Orangeville case, why don't you say so? Why don't you refer to that one specifically? If you want to cure the fact that nothing should be wrong if there was no notice, why don't you say so? Why do you write it in such blanket form? Why do you say it's invalid by reason only of any deficiency? Deficiency is a wonderful word. Surely it's the same thing as any illegality, anything that was wrong. Any deficiency, that's what you say—

Mr. Nixon: Like an order against an official plan.

Mr. Singer: —in the making or bringing into force with the order of regulation, any deficiency. If you have made an order that is deficient and if there's a deficiency that was made in the making of it, then you are curing any illegality that there was. Do you want to do what the member for Riverdale backed down to at the last moment when he talked about taking away the right of notice? I am not sure that he believes in notice. I am not really sure what he believes in; he believes in minority opinions.

I wonder why the member for Riverdale and his colleagues don't take this on to the Court of Appeal. Perhaps he can get a minority decision from one of the judges of the Court of Appeal that will agree with him and let him make another famous speech. I think it's perhaps quite appropriate that we deal with him in that way, but when he talks about these being the principles of *McRuer*, I would like him to enunciate one principle of *McRuer* that justifies retroactive legislation curing all defects that the minister may have taken under a particular section of the statute. If that's what he is going to bring his colleagues to do, so be it. We won't.

Hon. Mr. Rhodes: Mr. Chairman, I know that the hon. members who have spoken on this on Tuesday and again today would like us to believe that something sinister is being

proposed under section 5(1) of this particular Act.

Mr. Nixon: It is not sinister. It is quite clear. It is retroactive.

Hon. Mr. Rhodes: I think it is fairly clear. The explanatory notes themselves point out exactly what was intended to be done.

Mr. Singer: It is according to statute.

Hon. Mr. Rhodes: I take a bit of an exception to the comments of the member for Brant-Oxford-Norfolk who suggests that all of the other portions of this particular amendment were put in simply to shroud, as it were, the provisions of section 5(1).

Mr. Nixon: This matter must have been worrying you for a long time. I don't accept that.

Hon. Mr. Rhodes: But it is not correct. I also think it is fair to repeat again—and I think the hon. member for Wilson Heights knows this to be a fact, and for some reason he is attempting again to imply that something more is happening. The hon. member I think knows that the two particular cases that we have had in the courts as it deals with ministers' orders have not said that the section of the Act is illegal, and yet he continually stands in the House and uses that term. I think it is unfair of him to do so. He knows that that section is not illegal and no court has found this.

Mr. Singer: On a point of order, I don't think I ever said the section was illegal. What I am suggesting, and saying, and have said before and now, is that what the minister is asking the Legislature to do is to cure any illegality that might take place, notwithstanding the provisions of the section.

Hon. Mr. Rhodes: Mr. Chairman, I believe with respect that the record will show that the hon. member for Wilson Height has said "to clear up the illegalities that the minister and his predecessors may have done—"

Mr. Singer: That's right. That's right.

Mr. Nixon: May have, that's right. By putting an order against an official plan.

Mr. Singer: That's right, and that's a very different thing.

Hon. Mr. Rhodes: But, Mr. Chairman, he keeps referring to the *Mono* case as an example. There is nothing in the decision of the judge as he produced his decision on the *Mono* case, and nothing in the decision on the case in *Timmins*, that indicate there was any-

thing illegal done, or that the section itself is not valid.

Mr. Singer: I didn't say the section was illegal.

Hon. Mr. Rhodes: In both cases, Mr. Chairman, they were individual circumstances that saw the judge say—

Mr. Singer: The court struck down the order.

Hon. Mr. Rhodes: —that that particular order—

Mr. Singer: Was illegal.

Hon. Mr. Rhodes: —was not illegal in that he simply quashed the order.

Mr. Singer: Oh, it was a good order and therefore he quashed it. He always quashes good orders.

Hon. Mr. Rhodes: Recognizing the desire of the hon. member to become a chief justice some day I wish him well—

Mr. Singer: Thank you.

Mr. Nixon: What do you want to be, Premier?

Hon. Mr. Rhodes: —but you had better get it done before 1978, I'll tell you that, because you are not going to make it after that.

Mr. Nixon: He is doing better at it than you are.

Hon. Mr. Rhodes: Mr. Chairman, official plans—and the hon. member referred to Haldimand-Norfolk. He knows full well that there are official plans in the area.

Mr. Nixon: I'll say I do.

Hon. Mr. Rhodes: But he also knows full well that there are no zoning bylaws. And I have said to the region of Haldimand-Norfolk—in fact a time limit has been set for them—"Get your bylaws on." I don't want that zoning order down there. I'd like to lift it right off.

Mr. Nixon: Then lift it. That's the way to get the planning authority back in that municipality. There is no other way.

Hon. Mr. Rhodes: What we may have to do is say to the Haldimand-Norfolk area, "Either you get your bylaws on or we are going to lift the order anyway and it is your problem."

Mr. Chairman, let me tell you that there are real possibilities of problems in some

areas of this province if the existing zoning orders are not maintained. I can name you two or three areas where if you in fact really want to see what you have been waving the flag about for some time, the preservation of good agricultural land, let me tell you there are areas where we have got zoning orders now and that is the only thing that is preserving those lands from being changed into 10- and 25-acre lots with houses on them.

Mr. Nixon: Okay, you could put them on.

Hon. Mr. Rhodes: Now if those are viable farms then somebody has changed their opinion an awful lot.

Mr. Nixon: You could reorder them immediately and have hearings.

Hon. Mr. Rhodes: But those orders are on now.

Mr. Singer: You could put them on—

Mr. Deputy Chairman: Order, please.

Hon. Mr. Rhodes: Mr. Chairman, I did not interrupt the hon. members as they made their addresses.

Mr. Nixon: That's right, you didn't.

Mr. Cassidy: We were doing it to ourselves.

Hon. Mr. Rhodes: And I strongly request that you allow me to finish.

If those orders are taken off, you are placing in jeopardy the control on those particular lands, and they will immediately—immediately—become open for development. Now if that is what you really want, then what you do is you vote against section 5(1).

Mr. Nixon: Well you are wrong. I have got to interject.

Hon. Mr. Rhodes: Because I am not greatly in love with zoning orders and the more I could lift off the better I would like it, but they are there for a very real purpose.

Mr. Nixon: Without hearings.

Hon. Mr. Rhodes: And you are going to jeopardize that if you in fact say, lift those zoning orders off.

Mr. Singer: That is not what we have said. You don't understand.

Hon. Mr. Rhodes: It is exactly what you are saying. If existing zoning orders no longer have any validity, according to what you are suggesting, that they have to be lifted—

Mr. Nixon: They have no validity if this section doesn't carry. You'll put them on again.

Mr. Deputy Chairman: Order, please.

[4:45]

Hon. Mr. Rhodes: Under the existing amendment all of those zoning orders are subject to the appeal procedure. Any landowner in any of the areas where an order now exists on his own individual land has the right to come in and ask for an amendment to that zoning order. If he is refused that, he has every right to go to the Ontario Municipal Board for a hearing. He may come in and ask to have the whole zoning order revoked. There's nothing to prevent that under this section as it applies to those zoning orders that are in effect at the present time.

The other point that I wanted to touch on is that the hon. member for Wilson Heights drew attention to section 5(1): "is invalid by reason only of any deficiency in the making or bringing into force." Not a question of whether there are any illegal actions on it—it's a question of any discrepancy in the making of the order. Again I bow to the great legal minds opposite, but in the orders of the judge in both cases it was in the making of the order that he felt there was an error made and that it should not be applied. I suggest this does not imply, as you had indicated in your comments, that the report of any deficiency means that there may have been something done illegally that we're trying to legalize.

Mr. Chairman: that is my understanding of the way the hon. member spoke. If I am wrong, I regret that I didn't understand him.

Mr. Singer: I said that, and I say you are wrong in drawing that conclusion.

Hon. Mr. Rhodes: Did I misunderstand your position?

Mr. Singer: You are interpreting my remarks quite correctly. That is what I said.

Mr. Deputy Chairman: Order, please. The hon. minister will continue.

Hon. Mr. Rhodes: Mr. Chairman, there's nothing to continue. I feel that the retroactivity of this section is extremely important, if you're going to hold control over that land that I think is necessary in those areas where the zoning orders are now in existence.

Mr. Deputy Chairman: Shall subsection 1 of section 5 stand as part of the bill?

All those in favour will say "aye."

All those opposed will say "nay."

In my opinion, the "ayes" have it.

Shall this be stacked or shall we call in the members?

This concludes the debate on the bill?

Mr. Cassidy: No, Mr. Chairman, there is a matter that has been stood down under section 1 of the bill.

Hon. Mr. Rhodes: Are we stacking the vote?

Mr. Nixon: We would like to vote on it now.

The committee divided on whether subsection 1 of section 5 shall stand as part of the bill, which was approved on the following vote:

Ayes 62; nays 23.

Sections 5 to 8, inclusive, agreed to.

Mr. Deputy Chairman: Mr. Cassidy moved a motion earlier which was stood down pending the minister's seeking legal advice as to the wording. Do you wish to consider Mr. Cassidy's amendment at this time?

Hon. Mr. Rhodes: Yes, Mr. Chairman. The hon. member had suggested a changing in the wording to provide a town meeting, on which there was some question.

Mr. Singer: Yes, but we never defined what a town meeting was.

Hon. Mr. Rhodes: Because you never gave us a chance. You kept interrupting all the time.

Hon. Mr. Davis: Ask the minister to show you a town meeting.

Hon. Mr. Rhodes: Mr. Chairman, I would suggest that the wording read: "That the members of such land division committee shall be selected at a meeting or meetings of the property owners and tenants of the land in the district defined in the order and the procedures for calling such meetings, the number of members to be selected and the manner of conducting the selection shall be as presented by regulations made by the minister," and that the remaining subsections be renumbered accordingly.

Mr. Renwick: That's excellent.

Mr. Cassidy: Mr. Chairman, we welcome the minister's acceptance of the amendment we originally proposed.

Mr. Deputy Chairman: Order, please. Would the hon. minister present the amended amendment to the Chair?

Mr. Sargent: Strange bedfellows—

Hon. Mr. Rhodes: Never mind. Wait until I lift those zoning orders for Haldimand-Norfolk next week.

Mr. Deputy Chairman: Is it agreed that Mr. Cassidy's amendment as reworded by the minister shall carry?

Motion agreed to.

Section 1, as amended, agreed to.

Mr. Cassidy: You don't even get credit for moving it.

Bill 130, as amended, reported.

CORPORATIONS INFORMATION ACT

House in committee on Bill 136, The Corporations Information Act, 1976.

Sections 1 and 2 agreed to.

On section 3.

Mr. Chairman: Mr. Renwick moves that section 3(1)(d) of Bill 136 be amended by adding thereto the following words: "and where the corporation is a corporation with share capital, whether or not, (1) each director is a resident Canadian; (2) each director is a director of any other corporation related to the corporation as determined under The Corporations Tax Act, 1972, and, if so, the name of such related corporation and the jurisdiction of its incorporation."
[5:30]

Mr. Renwick: Mr. Chairman, perhaps a brief word of explanation is in order. There's a certain history to this particular amendment. In 1972 The Corporations Information Amendment Act, 1972, was passed by this assembly but never came into force. The amendment was included in the exact words in that amendment passed in 1972. Those who may be interested in this minor piece of legislative history will find it in the fifth volume of the debates for 1972 of this assembly at pages 5808 and following.

It is composite, as you can see, Mr. Chairman, and I'm sure the committee will understand. There are two parts to it. The first part is that when a corporation files its annual return and gives the name and residence

address and so on of each of the directors of that corporation, it would require two additional things. The first is that it disclose whether or not each director is a resident Canadian. A reference to the debate in 1972 will clearly show that the then Minister of Consumer and Commercial Relations, Mr. Clement, introduced that part of the amendment in the assembly and that part of the amendment was then subsequently amended on a motion by myself to include the second item. This dealt with disclosing whether a director of a particular corporation is also a director of another related corporation within the definition as set out in The Corporations Tax Act.

During the course of that debate, the member for Brant-Oxford-Norfolk (Mr. Nixon) indicated that the Liberal Party would support the amendment, and the Liberal Party did so. It didn't need to come to a vote because the then Minister of Consumer and Commercial Relations accepted that further amendment to his amendment. With the unanimous consent of the committee at that time, in 1972, his exact amendment was passed by the House and became part of The Corporations Information Act, 1972. But as I have said, it was never proclaimed in force.

The reasons for this, I think, are amply clear for those who haven't read the language of The Corporations Tax Act. This gives the circumstances under which any two corporations can be considered to be related and whether or not any of those related corporations are related to each other. It is set out in subsections 4 and 5 of what I believe would be section 1 of The Corporations Tax Act, 1972, and are there for any persons to read.

I will quote from the 1972 debates on that historic evening when we sat all night—I'm not quite certain at what hour of the night or the morning this particular debate took place, but the substance and merit of it obviously appealed to the committee no matter what the time of day. I quote my comments of that time:

"The purpose of this amendment is to clarify the point that if one searches the public records at the minister's office at 555 Yonge Street and looks at the list of directors, one should be able to ascertain not only what the government has now determined as a matter of policy to be the case—that is whether or not each director is a resident Canadian—but for each director, whether that director is a director of another company related to the company that has to file a return; and if so, the name of the related company and the jurisdiction of its incorporation."

I may say, just as a minor note, that the reason the first portion of that amendment is phrased "a resident Canadian" is we felt that it would have been an infringement of the spirit of the Ontario Human Rights Code if it required any director to disclose in such a return what his nationality was. This is phrased in the reverse way and overcomes any objection which anyone may have on that basis, because this is simply a statement: Is the person a Canadian or is he not a Canadian?

It does seem to me and it is extremely important to this party and we would divide on this amendment unless, of course, it were carried on a voice vote if it is not accepted by the government, simply because we believe that the information of public record in the office of the companies division of the province of Ontario with respect to any corporation doing business in Ontario or carrying on business in the province of Ontario—regardless of the place of incorporation or its origin, be it in Ontario, any of the other provinces of Canada, a federal company or an overseas company—that one should be able to find out two things; which of the directors are resident Canadians and whether or not any one of those directors is also a director of a related company so that one would have a sense of the corporate web of companies with which any particular company might be associated. For that reason, we consider this proposed amendment, as we did in 1972, to be immensely important.

Mr. Cunningham: My understanding is that the Liberal Party did support this particular thesis in 1972 and I am favourably impressed by the argument put forth very succinctly by the member for Riverdale. My brief experience in this House has impressed upon me, I think, the need to make it as easy as possible for those who need to know the information whether or not in fact a company is controlled by a Canadian and, further, just who owns what company.

I found this year participating on the select committee on truck transportation that it is sometimes very difficult to ascertain just who in fact owns a company and whether in fact that company is controlled by Canadians, Americans, or just who. To that end, I would only suggest I think that this amendment would be in order. I think it would be beneficial to the people of Ontario in trying to find out who these individuals are and whether they are Canadians or not. I don't think it would impose any undue hardship on the companies involved. To that end I would only suggest that the Liberal Party

would be favourably disposed to this amendment.

Mr. Drea: Perhaps my friend from Wentworth North may reconsider when I elaborate just a little bit on the legislative history. The brief legislative history that was given is entirely accurate—except what has not been given.

In 1974 there were amendments to The Business Corporations Act which required that a majority of the directors of a company be resident Canadians. That is why the particular section which constitutes the first part of the amendment from the member for Riverdale was not proclaimed in The Corporations Information Act. It became redundant. To now reintroduce that into a new Corporations Information Act I suggest is doubly redundant. It is already far stronger in The Business Corporations Act, which isn't limited by saying, "You are a resident Canadian or a non-resident Canadian," but says, "A majority of the directors must be resident Canadians."

That alone, I would suggest, is sufficient reason why the first portion of this amendment is really not needed. The information is already in another Act, and the requirements are far stronger than is suggested here.

In terms of part two of the amendment, I think we have to look at the intent of the legislation before us. The intent is, first, to get rid of the paperwork, whether it is done physically on paper or through a computer. Second, it is to benefit the consumer, because the corporation must put its address on its letterhead and on any of its official documents so that it can be served. In this way, the consumer, the creditor or whoever is having difficulty with a particular corporation, knows where to go if he decides to go to the courts or to some other agency for relief.

Third, certain of the requirements in this Act pertaining to companies chartered in Ottawa, or in jurisdictions with reciprocal agreements, have been changed. They are not even going to have to make a full disclosure as to whom their directors are. They are going to have to put down the name of an attorney—and I say that within the meaning of an agent who has the power of attorney and who can accept service in this province.

The intent of this legislation is to avoid duplication, to avoid redundancy and to give the business world a break from the cost of doing business with government.

Mr. Cunningham: Ten dollars and 10 cents.

Mr. Drea: Considering all the papers you have on file, it is a very onerous burden for the small businessman, because he has to get somebody to fill them out. Not the least of it is that we may save some money on the paper in the Ontario Gazette, since there won't be these dissolutions of companies because someone has forgotten to file an annual return. Also, in this House, we may avoid some of the long Wednesday mornings in the private bills committee, where we have to revitalize corporations that somehow have forgotten and gone over the time limits on their annual return.

Mr. Renwick: Stick to the amendment.

Mr. Drea: If you want a list of directors published, I suggest that's going far beyond the intent of this legislation. The intent is to show, when a corporation is established, just who it is, who its directors are and where you can locate it if there is any difficulty.

Mr. Warner: We are improving that.

Mr. Drea: To get into a question of cross-filing other directorships that one or more of the principals may have, I suggest to you, is a very costly and very cumbersome enterprise. Also, quite frankly, it's already handled rather well by the private field; there is a Canadian directory of directors. To attempt to cross-file directors so that the various interlocking arrangements or the family of companies can be ascertained, would be an extremely cumbersome and expensive proposition.

Mr. Cunningham: That's the purpose of the amendment.

Mr. Warner: It's time we found out what's going on.

[5:45]

Mr. Drea: There are other ways of finding out what is going on, if I may say so. I don't know any consumer who is going in and looking for the real people behind the corporate name and style, who is terribly interested in that particular case in what other operations they are in. If there is one corporation located—

Mr. Warner: They don't want to know about the Weston corporation and their operation? Baloney!

Mr. Chairman: Order, please. The hon. member for Scarborough Centre has the floor.

Mr. Drea: If they are going in to find out about one company, then I suggest if there

are 500 at the same address with interlocking directorates, the 499 are of no interest to either the individual consumer or the creditor. For those who want to and who have need to find out what directors—

Mr. Warner: You have taken a public poll?

Mr. Drea: —and what the interlocking relationships are, there are already a great number of methods by which they can do so.

Mr. Warner: This is incredible. You are picking up from where you left off the other night.

Mr. Drea: I would suggest that we will accept the amendment.

Mr. Warner: Of course not. It makes sense.

Mr. Drea: Number one, the first portion is redundant. It is already covered in The Business Corporations Act in far stronger terminology.

Mr. Warner: Number two, you want to protect your corporate friends.

Mr. Drea: Number two, by the acceptance of this, I would think we are defeating the intent of the bill. The intent of the legislation was to get rid of as much of the paperwork as possible.

Mr. Cassidy: Just a corporate coverup, that's all.

Mr. Drea: I would suggest when you are doing filings now that are up to five years, starting to compile interlocking directorates is really going to put it back to virtually an annual return, and that's what we are trying to get away from.

Mr. Chairman: Shall the amendment carry?

Mr. Renwick: Mr. Chairman—

Hon. Mr. Welch: Wait a minute. Have you asked for the vote?

Mr. Chairman: I said, "Shall the amendment carry?"

Mr. Renwick: I'd like then, if I may, to answer very briefly what the parliamentary assistant has had to say. It is neither redundant nor inconsistent with The Business Corporations Act. The Business Corporations Act deals solely with corporations incorporated under the laws of the province of Ontario and which are within the jurisdiction of this assembly. It does not require any disclosure as to which of the directors are Canadians in any way. All it says is that the

majority of the directors of a company incorporated under The Business Corporations Act shall be Canadian. That's all it says.

Mr. Drea: What happens if they are not?

Mr. Renwick: The Corporations Information Act is now and has always been a method by which the citizen in the province of Ontario can go to the corporate company information office and find out about every corporation which carries on business in the province of Ontario. That's the purpose of this bill as well because it defines corporation to mean any corporation with or without share capital wherever or however incorporated. It includes an extraprovincial corporation and it defines extraprovincial corporation. I don't need to recite that definition because that just emphasizes the broad scope of what is involved.

The requirement is specifically in this Act, and it's very clear in section 3(1), that within 60 days of such various things as the date of the amalgamation of a corporation, the date of its incorporation, the date of its continuation, the date of its establishing its head or other office or carrying on any business activity or service or part thereof in Ontario, regardless of its origin, that that's the corporation that must file the information which is set out in the bill.

It's very clear that it is extremely important that we know whether or not there are any resident Canadians on the board of directors of such companies. The reason is very clear and the reason makes very good sense, even in the very limited sense of trying to enforce the penalty provisions which are provided in the bill because you know as everyone knows in this committee that you cannot enforce the penalty against the directors of a company unless they are within the jurisdiction. It's important that we should know it if for no other reason than that, but we also want to know as a matter of public record are corporations complying with the provision which is in The Business Corporations Act.

In addition to that, it is essential that a person, who is dealing with any company that has filed a return because it is carrying on any business in Ontario, regardless of its place of incorporation, or providing any service in Ontario, should be entitled to know whether or not that corporation is controlled by, or controls, other corporations.

Let me deal with the other point which the parliamentary assistant has raised. There is no cross-filing; there is no cross-indexing of any kind called for by this amendment. All that this requires is to have on the form,

which the corporation has to amend only when and if there is any change in the particulars which are required on the bill, to add under the portion dealing with directors: is the director a resident Canadian or not? Secondly, is he a director, not of any other corporation, but of any other corporation which that corporation is related within the provisions set out in The Corporations Tax Act.

That is an immensely necessary piece of information for those of us who have any interest in the corporate interrelationship of various corporations. If we are going to continue to allow extraprovincial corporations of any kind to come in to the province of Ontario, and carry on their activities by incorporating a subsidiary corporation of any kind, or making a deal with a related corporation of any kind, then it is essential that we know what that relationship is. I have said, and it needs no reiteration, it is a matter of immense concern to us that we have this information. I would urge the government to reconsider its stand.

Mr. Drea: Mr. Chairman, if there wasn't the much stronger requirement in The Business Corporations Act—

Mr. Renwick: It doesn't deal with it.

Mr. Drea: Oh yes, it does. The penalties there have been invoked. There are companies that have lost their charters for filing false applications.

Mr. Renwick: You missed my point.

Mr. Drea: No, I listened to your point. If it wasn't for the very strict requirement of The Business Corporations Act I would be sympathetic to the first part of the amendment by the member for Riverdale.

But then let's come to the second point. If there isn't going to be a cross-filing, if there isn't going to be directory of information, then what is the point of filing all the names of the directors on every one of these returns? Surely if you want an information depository there has to be some use for the information. If you are just going to collect paper in there with names on it, then that is an entirely different matter.

Mr. Renwick: Why don't you abolish the form entirely?

Mr. Drea: Nobody is going to abolish the form. You are the one who said there would be no cross-filing just a moment ago. What is the point of putting down all the names if there isn't going to be a cross-filing—when

you cannot find out that this particular person is a director of 50 or 60 companies?

Mr. Renwick: You don't have to cross-file at all.

Mr. Drea: What is the value of filing at all then? If you are going to file the names and you are not going to have them cross-filed, you are going to be of no benefit to either the consumer, the creditor or even the curious.

Mr. Renwick: Is that a question?

Mr. Drea: Yes.

Mr. Renwick: Mr. Chairman, it is very simple. I want to go to the office at 555 Yonge Street. I walk in the door. I ask for a corporate file of a particular company. If this amendment is passed I open up the file. It shows me who the directors of the corporation are. It shows me which of them, if any or all, are resident Canadians. It shows me whether they are directors of any corporation which is related to that corporation.

No cross-filing. If I then see the names of a dozen other companies, want to look at those companies, then I ask for those files. I am not imposing any burden on the company's office to make any listing of cross-filings. I am not asking to go in and have an index of directors which shows that director A is a director of this company, that company, and so on and so forth. None of that at all. I am simply asking that on the form, if I want to find out whether a director is a director of any other corporation related to that corporation—within that framework—then I should be entitled to know that. I should then, if I want to do it, call the man over who is handling the office and simply say to them, "Please bring me the other files of those other companies." That's all, nothing more. No additional work; two or three lines additional on the form.

Mr. Drea: Can I ask you another question? How are you going to reconcile that with the provisions in this Act now that the extra-provincial company is not even going to have to fill out that amount of disclosure, even with your amendment? All it is going to have to do is to detail where there is a power of

attorney for service in this province. You can't have it both ways.

Mr. Renwick: Mr. Chairman, again, if I may answer that question. An extraprovincial corporation means "a corporation with or without share capital incorporated otherwise than by or under the authority of an Act of the Legislature." So it would include a federal company, a company incorporated under the laws of any other province in Canada, a company incorporated in any jurisdiction outside Canada, and if that corporation establishes its head or other office or carries on "any business activity or service or a part thereof in Ontario," then they must make out and file this return which includes the information set out.

I'm not going to spend very much more time on it because, obviously, we're not going to get this particular division before 6 o'clock. I am sorry it is going to be a division. Perhaps the wisdom of the amendment will appeal to the government over the supper hour and perhaps they'll accept it. But it seems to me to be inconceivable that the government of this province would require those same corporations—every single one of them, which has an undertaking in the province of Ontario, has a permanent establishment within the broad frame of that term for taxing purposes. And the parliamentary assistant knows as well as everybody else does that they've cast the taxing net, under The Corporations Tax Act of this province, as broadly as it was possible to do it so that if anybody is earning any income and profit in the province of Ontario they must file.

Those files are not made available to the public, and those files require the disclosure of that same information, so the government has the information in the Ministry of Revenue—the very same information on a limited scale which, so far as related corporations are concerned I am asking be available to members of the public. There is no reason why that relationship should not be publicly disclosed. I am saying to the parliamentary assistant I don't want to read the definition—I will if the parliamentary assistant wants me to read it—of what constitutes two related corporations as defined in The Corporations Tax Act, 1972.

The House recessed at 6 p.m.

CONTENTS

Thursday, November 4, 1976

Integration of steam plants, statement by Mrs. Scrivener.....	4391
Public health nurses, statement by Mr. F. S. Miller.....	4391
Thunder Bay jail, statement by Mr. J. R. Smith.....	4392
Training school death, statement by Mrs. Birch.....	4392
Hydro rates, statement by Mr. Timbrell.....	4393
Shooting incident, statement by Mr. Rhodes.....	4394
Point of privilege re question on multiple dwelling starts, Mr. S. Smith.....	4394
Training school death, questions of Mrs. Birch and Mr. F. S. Miller: Mr. Lewis, Mr. S. Smith, Mrs. Campbell, Mr. Haggerty.....	4395
Public health nurses, questions of Mr. F. S. Miller: Mr. Lewis, Mr. Bounsall, Mr. Bullbrook	4397
Home buyers grant, questions of Mr. Davis and Mr. Meen: Mr. S. Smith, Mr. Cassidy, Mr. Singer, Mr. Peterson, Mr. Germa.....	4398
Training school death, questions of Mr. MacBeth and Mrs. Birch: Mr. S. Smith, Mr. Lewis, Mr. Eakins, Mr. Singer.....	4401
Italian courses in school, questions of Mr. Wells: Mr. S. Smith, Mr. Grande.....	4402
Influenza vaccinations, question of Mr. F. S. Miller: Mr. Johnson.....	4403
Dundas PUC inquiry, question of Mr. Davis: Mr. Deans.....	4404
Prices at highway service centres, questions of Mr. Snow: Mr. Spence.....	4404
Report, advisory council on physically handicapped, Mrs. Birch.....	4405
Reports, telephone services commission and urban transportation development corpo- ration, Mr. Snow	4405
Report, resources development committee, Mr. McNeil.....	4405
Point of privilege re questions on Thunder Bay jail, Mr. Foulds.....	4405
Planning Amendment Act, reported	4405
Corporations Information Act, in committee.....	4426
Recess	4430

SPEAKERS IN THIS ISSUE

Birch, Hon. M.; Provincial Secretary for Social Development (Scarborough East PC)
Bounsall, E. J. (Windsor-Sandwich NDP)
Bullbrook, J. E. (Sarnia L)
Campbell, M. (St. George L)
Cassidy, M. (Ottawa Centre NDP)
Cunningham, E. (Wentworth North L)
Davis, Hon. W. G.; Premier (Brampton PC)
Deans, I. (Wentworth NDP)
Drea, F. (Scarborough Centre PC)
Eakins, J. (Victoria-Haliburton L)
Ferrier, W. (Cochrane South NDP)
Foulds, J. F. (Port Arthur NDP)
Germa, M. C. (Sudbury NDP)
Godfrey, C. (Durham West NDP)
Good, E. R. (Waterloo North L)
Grande, A. (Oakwood NDP)
Haggerty, R. (Erie L)
Johnson, J. (Wellington-Dufferin-Peel PC)
Kerrio, V. (Niagara Falls L)
Lewis, S.; Leader of the Opposition (Scarborough West NDP)
MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General (Humber PC)
MacDonald, D. C. (York South NDP)
McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental Affairs
(Chatham-Kent PC)
Miller, Hon. F. S.; Minister of Health (Muskoka PC)
Nixon, R. F. (Brant-Oxford-Norfolk L)
Peterson, D. (London Centre L)
Philip, E. (Etobicoke NDP)
Reid, T. P. (Rainy River L)
Renwick, J. A. (Riverdale NDP)
Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
Rowe, Hon. R. D.; Speaker (Northumberland PC)
Roy, A. J. (Ottawa East L)
Ruston, R. F. (Essex North L)
Sargent, E. (Grey-Bruce L)
Scrivener, Hon. M.; Minister of Government Services (St. David PC)
Singer, V. M. (Wilson Heights L)
Smith, G. E.; Deputy Chairman (Simcoe East PC)
Smith, Hon. J. R.; Minister of Correctional Services (Hamilton Mountain PC)
Smith, R. S. (Nipissing L)
Smith, S. (Hamilton West L)
Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
Spence, J. P. (Kent-Elgin L)
Stokes, J. E.; Chairman (Lake Nipigon NDP)
Swart, M. (Welland-Thorold NDP)
Timbrell, Hon. D. R.; Minister of Energy (Don Mills PC)
Warner, D. (Scarborough-Ellesmere NDP)
Welch, Hon. R.; Minister of Culture and Recreation (Brock PC)
Wells, Hon. T. L.; Minister of Education (Scarborough North PC)
Wildman, B. (Algoma NDP)
Yakabuski, P. J. (Renfrew South PC)



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Thursday, November 4, 1976

Evening Session

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

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CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

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LEGISLATURE OF ONTARIO

THURSDAY, NOVEMBER 4, 1976

The House resumed at 8 p.m.

CORPORATIONS INFORMATION ACT (continued)

Resumption of the adjourned debate in committee of the whole House on Bill 136, The Corporations Information Act.

On section 3:

Mr. Chairman: Could the committee come to order please? When we rose at 6 o'clock, we were dealing with Mr. Renwick's amendment. Is it the wish of the committee that I read it or is everybody well aware of what it contains?

Those in favour will please say "aye."

Those opposed will please say "nay."

In my opinion, the "ayes" have it.

Mr. Moffatt: You need five people.

Motion agreed to.

Mr. Cassidy: Mr. Chairman, I have a couple of sections. They're both amendments to section 3(3). The member for Fort William is going to move one of these and I'm going to move the other.

I would move that a new section 3(4) be added to Bill 136.

I'm sorry, Mr. Chairman. The member for Fort William should go first. He has an amendment to section 3(1).

Hon. Mr. Auld: Where is he?

Mr. Angus: I move that a section 3(1)(g) be added to Bill 136 as follows:

"The name, head office location and principal place of business of any corporation and the name and resident address of any person

"(a) which holds directly or indirectly five per cent or more of any issue of share capital of the corporation; or

"(b) in which the company directly or indirectly holds more than five per cent of any issue of share capital and the percentage of shares held in each case."

Mr. Moffatt: Mr. Chairman, on a point of order. Is there a quorum?

Clerk of the House: There is not a quorum present, Mr. Chairman.

Mr. Chairman called for the quorum bells.

On resumption:

Mr. Chairman: Order, please. We will proceed with the discussion on Bill 136.

Mr. Angus moves that section 3(1)(g) be added to the bill as follows:

"The name, head office, location and principal place of business of any corporation and the name and resident address of any person

"(a) which holds directly or indirectly five per cent or more of any issue of share capital of the corporation; or

"(b) in which the company directly or indirectly holds more than five per cent of any issue of share capital and the percentage of shares held in each case."

Mr. Drea: Mr. Chairman, before the member starts I have not got a copy of that.

Mr. Angus: You haven't got a copy? I am sorry, I did send you one by the page.

The purpose of the amendment is to ensure that corporations file information that will indicate whether or not they are involved in other corporations, or whether the individual shareholders are involved in other corporations, so that upon examination based on the other aspects of the bill that a government ministry, for instance, could ascertain whether or not there is a conflict between competing companies in terms of government bids. It can also give an indication of vertical integration. And we believe strongly, and we hope that the Liberal Party will accept our resolution, that this kind of information is necessary in order that the government of the day can have a reasonable control over the commerce of our province.

Some of you I am sure will say that this is an infringement upon privacy and I really don't feel that that is so. I think that if a company or an individual is doing business in a very honest way and in a method that is beneficial to the province and to the country as a whole, then there is nothing that they have to hide. I think in terms of their com-

petitors it is important that they know if there is conflict within their own jurisdiction so that they may evaluate their own programme.

And so, very briefly, I would ask that the members opposite me, as I stand this way, will accept our amendment or possibly the government themselves, so that we may have a truer situation in terms of corporate information.

Mr. Cunningham: Just to reiterate the thesis of this bill I think it is twofold, if I am not mistaken. One was, albeit, to minimize the expense that was involved I think on a regular basis to private and public companies filing a return and, more importantly and more significantly, I think, to save the government the money of compiling all the forms.

I was supportive of the original amendment by Mr. Renwick. I think it would be in the best interests of the people of Ontario to know just who the companies are and whether in fact the directors were Canadian and just where they operated from. But I find this amendment that is before us at this time to be not only redundant but contrary to the thesis of the bill as it stands before us today.

One thing that really bothers me is that I think this would in fact increase tremendously the amount of government involvement, the expense, and I don't think we would gain the kind of information that we really require. I think that Mr. Renwick's amendment would satisfy our needs in that regard, especially as it relates to interlocking directorships.

Just to summarize, I would find it *ex post facto* by nature; it's contrary to the nature of the bill and—

[Laughter]

Mr. Angus: *Ipsa facto*?

Mr. Cunningham: Pat Lawlor told me all about it one day at lunch.

Mr. Chairman: Would the member refer to other members by their constituency name rather than their own name?

Mr. Cunningham: My friend from Lakeshore—

Mr. Wildman: The member for *ipso facto*.

Mr. Cunningham: To summarize, I think it would be a great expense to the government of Ontario and through it of course to the taxpayers. At the same time a publicly owned

company that traded shares in the stock exchange could be involved in an application process on a continuing basis if this were to be passed and I would find that to be of significant expense. To that end I don't think that we can support this.

Mr. Cassidy: I would speak to this partly out of my experience as a financial journalist over 10 or a dozen years both in this country and also in Great Britain. The privilege of limited liability is surely met by certain responsibilities. And I know as a journalist, I know as a member of the public and now I know as a politician the kind of difficulties that one has when one tries to pierce through the corporate sector to find out what's really happening there on matters which affect the public in general.

[8:15]

I also know from experience, and I think many members know this as well, that the ferocity with which the corporate sector fights against efforts to get a minimum of information about their activities into the public domain, surely indicates the value that they see in having the secrecy which they currently enjoy. I would suggest that their desire for that secrecy is not because of a regard for the public interest, but it is because of their regard for their own corporate interests.

I would like to suggest that the principle we have to talk about here—and I say this to the member of the Liberal Party who just spoke—is the principle of this amendment; and if the principle is accepted by the Liberal Party, then perhaps we could talk about whether the drafting could possibly be changed.

On the one hand we have to ask whether, in a complicated, post-industrial society in Ontario in the 1980s and 1990s, there is a public need and right to know about such elementary matters as the companies to whom a particular company is related—both the companies which own shares and perhaps the controlling interest in that company and the companies in which the corporation happens to own a substantial amount of shares. Why is that important? It is important when you need to find out and when you find, as you often do, that you can't get the information required.

It's fortunate that the amendment proposed by the member for Riverdale (Mr. Renwick) has been accepted. This will lead to a disclosure of related companies, in a number of cases, through interlocking directorships. However, there will be cases where inter-

locking directorships don't happen to exist or where they exist but the companies are not otherwise related. Therefore, the information that will be garnered by that particular route will not necessarily be complete. Nor will we know from that information the degree of interpenetration, or mutual involvement, that exists between two related companies. On the one hand, it could be very slight, almost accidental. On the other hand, it could represent a major interest.

Let's take a small businessman and see how he is affected by this particular proposal by the member for Fort William. In the first place, many small businessmen don't even have limited liability and they exist as partnerships or individual proprietorships. But to take those small businesses that are incorporated, the vast bulk of those companies in this province would not be touched in any way by this particular section. Or they would be touched only to the extent that the two or three members of the family who hold a controlling interest in that small corporation would have to declare their corporate interest; it would not be a mystery to anybody anyway.

The typical small businessman in this province does not enjoy the privileges of having a whole range of interlocking corporations with which to help to handle his or her business affairs. Maybe there are one or two subsidiaries because he's taken on a couple of franchises or a couple of small lines in addition to his main line of business; maybe he's even got three or four companies; but it goes beyond that for your typical small businessperson.

On the other hand, the small businessman has to deal with a large range of other companies at any point in the week or in the year, and these companies are typically larger than the company run by the small businessman. He is in the business, among other things, of reaching judgements as to the reliability, the honesty and the efficiency of the people with whom he deals. This section is a guarantee that the small businessman and his advisers, if he has them, in case of need can penetrate the corporate veil, behind which his suppliers and some of the companies with whom he's doing business may be hiding.

We all know the kinds of things that have happened, say with the Holiday Magic group, and with other fly-by-night business ventures that are skirting around the laws put up from time to time by the Ministry of Consumer and Commercial Relations. It is quite typical for them to use long series of interlocking or interrelated companies as means of trying to avoid or bedazzle the law, to

prevent legal action, or else to create corporate shells, which in case of need can be put into bankruptcy while the principals take their profits and go off into some other line of business that may become more attractive.

We also know the difficulties that have existed in the past when people have tried to penetrate the corporate veil which has surrounded land speculation. Who is getting the bucks? Who own the property? Does that influence decisions that public officials or private interests may be making in the land market in or around our major cities? We often don't know.

For the man on the street, that really doesn't affect him or her directly. It can affect a small businessman. It also affects those people who are out on behalf of the man in the street trying to protect their interests. That includes the press. That includes local chambers of commerce. That includes local citizens' groups and such like. I would suggest that these are a few examples where your small businessmen and citizens in a community in general would be protected by the knowledge of whether or not companies are related.

To give a final example, let's take an individual—not a business person—who, say, is taking an interest in buying a house or in having some work done on property they may happen to own. Again, in case of need it is important for them to be able to establish whether or not two or three companies that may be coming on and approaching this person and masquerading as independent companies are or are not interrelated. That will affect their judgement about the honesty and worthwhileness of the business deal which is being offered.

I would like to suggest that this particular amendment, which is a good amendment, should be considered as complementary to the amendment that has been passed from the member for Riverdale. I would also like to suggest to the Liberal Party—

Mr. Roy: You don't know anything about corporations.

Mr. Cassidy: Yes, I do, as a matter of fact. I would also like to suggest to the Liberal Party that if they accept—

Mr. Roy: Your amendment is out of order.

Mr. Cassidy: Then the other amendment was out of order as well.

Mr. Chairman: Will the hon. member please address the Chair?

Mr. Cassidy: Yes, Mr. Chairman.

Mr. Roy: You should know better.

Mr. Cassidy: If the members on my left are prepared to accept that the public has a legitimate need to know in cases where companies benefit from the privilege of limited liability, then I think during the course of this debate we could look at whether that five per cent figure should be 10 per cent or not, and when this information is available by other means. I think specifically of a list of companies which are governed by the Ontario Securities Commission which has relatively stringent regulations to this same effect. When companies are governed under a disclosure regulation under other provincial rules or laws, then we could consider whether they should not also be exempted from this particular clause.

In other words, I am suggesting it's the principle that is at stake now. The Liberal spokespeople can say whether or not they accept the principle about the public's need to know. If they accept that principle, then we should go further and talk about the details.

Mr. Good: There are occasions on which it is required that the directors of a company disclose their buying and selling of shares, and this is made available. But why every shareholder of every corporation should have to make public knowledge whether or not he owns over five per cent of the stock of a company to me sounds rather ridiculous and to be carrying the matter of disclosure much beyond its legitimate level. The matter of this buying and selling of shares on the stock market could make such a regulation or rule as this almost impossible to enforce.

The Securities Commission puts out monthly—

Mr. Ruston: The NDP will hire another 10,000 staff.

Mr. Good: —its tabulations of the acquisitions and sale of shares of all the directors and officers, I believe, as well of every corporation, the insiders within the corporation. At the time of a merger, amalgamation or take-over bid or anything of that nature, the directors have to disclose their interest in the company and their number of shares. There are times when this disclosure is necessary, but to have on record the percentage of the shares owned by an individual, which could change very easily on a day-to-day basis, would be not only an administrative nightmare but it would in my view be something which would serve no useful purpose except to expose the financial standing of the share-

holders of a company to public scrutiny. I personally would be opposed to this amendment.

Mr. Roy: I have had occasion to discuss with some of my colleagues the amendment that has been spoken to by the member for Ottawa Centre. It appears obvious from just looking at that amendment itself that it frustrates what the amendment of this Act was intended to do—to simplify things, to make things easier. For these small corporations, most of which involve families or people involved in limited economic activity, it proposes to stop this charade of having their lawyers every year go through the preparation of minutes—it was sort of a front—to some degree a matter of brashness.

So on that basis, if I thought for a minute that there was something useful to be served in supporting this type of amendment, we would be for it. But we feel in so doing, in trying to simplify it with this bill here, we are trying to add on amendments to further complicate things. It just doesn't make sense, and it's not logical to us.

If I may say, I feel even from my limited number of years here that as a matter of principle when I find that the NDP or the member for Ottawa Centre is in favour of something, especially when it involves the private enterprise system, there is a presumption for us to be against it. I will tell you that. So on that basis, I have no problem at all in joining my colleagues in not supporting this amendment.

Mr. Angus: I would like to respond to a couple of the comments that have been made—particularly those by the member for Wentworth North (Mr. Cunningham). He was crying about the need to save money for the small business people and to cut out the paperwork, the red tape and what have you. I would like to point out to the hon. member and to this House that at the most the corporation or business would have to list 20 names. That's the maximum. If you divide 100, which is 700 per cent, by five per cent, you come up with 20. Now surely that is not going to add reams and reams of paperwork to either the business people or to the government itself.

Mr. Cunningham: What about when it changes?

Mr. Angus: It is not going to cost him any more money because they have to have those records if they want to keep their shareholders informed, and also to match what I believe is the law regarding income

tax. I think their arguments are totally ridiculous, if I may say that.

Mr. Roy: What evil are you trying to correct?

Mr. Cunningham: Are you trying to solicit our support?

Mr. Angus: No, I have given up on that. I am working on the government.

Mr. Cunningham: Then sit down.

Mr. Angus: The importance of this amendment, Mr. Chairman, is to ensure that the back-room deals, the back-room agreements, the dummy corporations, can come out into the open—

Mr. Good: There are more back-room deals in the NDP than there are—

Mr. Angus: —so that the people of Ontario can see who controls what, and in what way they control it. I think that this amendment should receive the support of at least one other party in this Legislature. I think whichever party refuses or if both parties refuse to support it, then I think that they are continuing the secrecy that surrounds corporations, whether they be big or small, throughout this province.

Interjections.

Mr. Angus: And I will say that this type of amendment will not harm the small businesses at all—the family businesses who have one or two or three shareholders whose names are usually on the application anyway—because it is a ma and pa situation. If you're really crying the blues for the small business people then I think you are using that as a smokescreen to protect the big corporations.

Mr. Ferris: Mr. Chairman, just a very brief comment as one who has been involved for about 20 years of filing these returns. I just couldn't possibly disagree more with my friends to my right that it would simply be a piece of paper with 20 names on it. There is no possible way that any government form that was ever designed would not be done in 19 copies with 17 pages on each one, necessitating 44 guys like me and my staff—who've spent 20 years filing these idiot forms—to do anything like this. We're not hiding back-room politics or anything like this; things that are traded on the stock market would necessitate this form being done. I suggest that's not a very big back room.

[8:30]

Mr. Breithaupt: I was interested in the particular early comments with respect to the view that any of the operations carried on, particularly by these corporations, appear to be a conspiracy generally against what is at least referred to by the members of the New Democratic Party as how they define the public interest. I suggest that nothing is further from the case. In this instance the information which is available has been reasonably asked for, and I think can be provided in the form with the amendment that has now been accepted by the parliamentary assistant. To have this further amendment accepted, I think, would do nothing to add any real knowledge to anyone, and as a result I certainly could not support the amendment.

Mr. Cunningham: I wonder if the member for Port Arthur would entertain a question here.

Mr. Angus: Fort William.

Mr. Cunningham: Fort William? I'm sorry.

Mr. Angus: Get your geography correct.

Mr. Cunningham: I've been there too and I enjoyed it. I'm just wondering on what basis they have this preoccupation with knowing everything about everybody. I wonder if you would favour us with that?

Interjection.

Mr. Cunningham: That was the kind of answer I expected.

Mr. Good: Renwick is going to change his mind. Are you going to change your mind on this one, too?

Mr. Chairman: Order, please. Order.

Mr. Renwick: Mr. Chairman, I think this deserves a brief comment. I think we were doing quite well until the member for Ottawa East spoke, which indicated his usual total lack of knowledge of the bills which are before the assembly because he's so seldom here.

Interjections.

Mr. Roy: The member for Riverdale is speaking. It is coming from God himself.

Mr. Renwick: This amendment has absolutely nothing to do with what that particular member spoke about when he stood up in the House tonight. He didn't understand

the bill; he very rarely understands any bill. Even if he read them he probably wouldn't understand them.

Interjections.

Mr. Renwick: This bill doesn't have anything to do—

Mr. Breithaupt: Like the member for Riverdale's approach to the last bill; he didn't understand it either.

Mr. Ruston: You won't after you finish either, Jim.

Mr. Renwick: —with more paperwork and that's what the member was indicating.

Mr. Roy: It's not that I don't understand the bill; I don't understand you, there is a difference.

Mr. Renwick: Just listen. If you can't understand the written word you may understand the spoken word.

Mr. Roy: Not coming from you.

Mr. Renwick: This bill has nothing to do with additional paperwork, and the amendment which my colleague, the member for Fort William, has proposed has nothing to do with additional paperwork.

Mr. Breithaupt: Just more snooping.

Mr. Renwick: It's the same piece of information, the same sheet of paper which will be filed. It will simply have two other matters on it. One is, who above has some of the shares of the company—whether it's five or 10 per cent is not a matter of great significance—or who below owns five or 10 per cent of the shares, that's all. It has nothing to do with more paperwork, nothing to do with filing additional information—nothing at all to do with that.

Let me deal with the interjection, if I may, of the House leader of the Liberal Party, the member for Kitchener: 'Where is the limit to snooping?' I don't consider that it's any intrusion on the private affairs of anyone to have him disclose, or of any corporation to have it disclose, whether they hold five per cent or more of a particular corporation.

Mr. Breithaupt: Why is it important?

Mr. Renwick: I certainly don't consider it snooping to ask a corporation, which hardly has the kind of personality which the Liberals have always endowed on corporations, whether it owns five per cent or more of the shares of some other corporation. There's no privacy argument that has any validity.

The amendment proposed by the member for Fort William is for practical purposes a complementary and necessary part—

Mr. Roy: Why?

Mr. Renwick: —of completing the information, which the House in committee passed earlier this evening, dealing with the relationship between directors in particular corporations.

I may say that in all of the deliberations of the select committee on company law, the law was so archaic and so out of date that at no time has that committee ever addressed itself to the question of public disclosure and the extent to which public disclosure should be made, except within a very limited framework which will be introduced in a few minutes by my colleague the member for Ottawa Centre. On one question, and one question only, has public discussion taken place in the select committee about the degree or extent of public disclosures.

I am simply saying that if, as is now required under The Securities Act of the province of Ontario for timely disclosure of significant changes, it is appropriate that companies disclose the shareholdings above and below that have a significant impact on the control of corporations, I do not consider it an intrusion on the privacy either of corporations or individuals to ask people to disclose whether they hold five or 10 per cent or more or whether a particular corporation holds five or 10 per cent or more of another corporation.

That kind of disclosure, whether the members of the assembly approve of it tonight or whether they approve of it five years from now, will in fact come. There will be what we have insisted on at all times, a divorcing of the question of privacy from the question of ownership of corporations which are engaged in manufacturing and commercial operations in the province of Ontario. For those in the assembly who are devotees of the untrammelled free enterprise system, let them just remember that the free enterprise system is founded on a corporate law system passed by democratic assemblies who still have the right to control the extent and degree to which knowledge of those operations is disclosed. There is no such thing as a free and untrammelled operation of corporations in our society. There never has been and there never will be. Let's understand that.

Mr. Roy: Quit emphasizing the obvious, eh?

Mr. Renwick: As we go into this period when something called "free enterprise" will be touted by the Liberal Party and by the Tory party, let's always remember what the member for Wilson Heights (Mr. Singer) says: "It's free enterprise under law." The law is The Corporations Act, and information about what corporations carry on what businesses, who controls those corporations and who has significant holdings in them, is knowledge that should be disclosed and made available to the public. Those who don't want to comply with that kind of provision can get out of the commercial and business world. It's just that simple.

Mr. Roy: With you guys in power, you would drive them out.

Mr. Good: Just as they did in British Columbia under Barrett.

Mr. Renwick: I give my tribute to the Liberal Party. They were trapped at least earlier this evening—

Mr. Breithaupt: By whom?

Mr. Renwick: —but I give them full credit for their co-operation on the first amendment.

Mr. Cunningham: It made sense.

Mr. Kerrio: It made sense.

Mr. Breithaupt: It made abundant sense.

Mr. Renwick: It not only made sense, but you were co-opted five years ago—

Mr. Ruston: You did a better job on the other one, Jim.

Mr. Renwick: —to support it and it would have been impossible for you not to do it.

Mr. Ruston: You are not doing a good job on this one. You did a better job on the other one.

Mr. Renwick: I'm saying to you tonight that, by voting for this provision, you will not be deserting your principles or your dedication to whatever enterprise system you may be dedicated to from time to time, either in Ontario or in Ottawa—

Interjections.

Mr. Renwick: —because the Liberal government in Ottawa has passed much more stringent components of financial disclosure in all of the areas where this right-wing faction of the federal Liberal Party finds it difficult to accommodate itself.

Mr. Ruston: You're the left-wing faction, are you, Jim?

Mr. Roy: He is out of order.

Mr. Ruston: Which side are you on?

Mr. Reid: I would say he is straying from the bill.

Mr. Ruston: Are you a right wing or left wing?

Mr. Breithaupt: He is sort of centre of the bird.

Mr. Renwick: Can you imagine the members of the Liberal Party in the Ontario Legislature sitting in the Parliament of Canada, in the House of Commons?

Mr. Breithaupt: It so happens we are not. We are having too much fun here.

Mr. Renwick: The Liberal government introduced a bill such as The Foreign Investment Review Act, or the CALURA legislation, and here they are bucking against a mere simple amendment, which says that if you own more than five per cent in a corporation, or the corporation owns more than five per cent you've got to put your name on a piece of paper.

Mr. Roy: We are masters of our own destiny right here.

Mr. Renwick: Can you really belong to the Liberal Party of Canada?

Mr. Reid: No, we belong to the Liberal Party of Ontario. We are not a monolithic bunch like you are. Could we have a little order please, Mr. Chairman?

Mr. Renwick: Or is the Liberal Party in Ontario the equivalent of the appendix in the human anatomy, an unnecessary residue of some prehistoric time?

Mr. Reid: Don't knock it. You have got some of the missing links.

Mr. Cunningham: On a point of order. Mr. Chairman, maybe you can give me some direction on this. Personally, I'm in a great quandary here. I don't happen to think the amendment is in order, given the nature of the bill. I hardly think this discussion was in order. I wonder if you could give us a ruling.

Mr. Reid: Say he is straying from the principle of the bill.

Mr. Chairman: We have an amendment here to section 3 of bill 136.

Mr. Good: Would you rule whether or not the amendment is in order?

Mr. Renwick: I was searching today for the seat of my colleague, the member for Wilson Heights, in order to pay an election bet to him and I ran across that powerhouse from the front row of corporate legal talent, the member for Ottawa East, the member for Sarnia (Mr. Bullbrook) and the member for Wilson Heights, all sitting side by side, and yet not a single one of them is prepared to say that the people in the province of Ontario are entitled to know on an annual return who owns five per cent or more of the stock of a particular corporation or whether that corporation owns five per cent or more of the stock of another corporation.

Mr. Roy: You are not doing a good job at all.

Mr. Chairman: Will the member for Riverdale address himself to the amendment and while doing so address the Chair?

Mr. Ruston: You didn't do very well.

Mr. Renwick: Thank you, Mr. Chairman.

Mr. Chairman: Does any other member wish to discuss this amendment? Are you ready for the vote?

Mr. Drea: Are they all done? I don't want to be redundant on this amendment. There have been some very eloquent and very sensible statements made by the member for Wentworth North, the member for Kitchener, the member for Ottawa East, the member for London South and the member for Waterloo North. They have very amply stated the case as to why the government should not accept this kind of amendment.

Mr. Chairman: Order, please. Those in favour of Mr. Angus's amendment will please say "aye."

Those opposed will please say "nay."

In my opinion, the "nays" have it. I declare the amendment lost.

Mr. Renwick: We'll stack it.

Mr. Breithaupt: Do whatever you want with it.

Mr. Chairman: Are there any other comments or amendments to any other section of the bill? If so, which one?

Mr. Cassidy: Mr. Chairman—

Mr. Roy: Here we go, the expert again.

Mr. Good: Listen to this one.

[8:45]

Mr. Chairman: Mr. Cassidy moves that a new section 3(4) be added to the Act as follows: "Every corporation to which subsection 1 applies and which has assets worth over \$100,000 or annual sales worth more than \$250,000 shall file with the minister, within four months of the end of the fiscal year, an audited statement of profit and loss for that fiscal year and an audited statement of assets and liabilities as of the end of that year in a manner to be determined by regulation."

Mr. Cassidy: Mr. Chairman, the questions that we have been discussing this evening revolve—both of these amendments, in fact—revolve around the question of the public's right to know in a case where a corporation benefits from the privileges of limited liability. I think we might as well point out that not only does the corporate form of organization provide limited liability and therefore allow a company to bring shareholdings and investments from a much wider range of people than might otherwise take part and to a much greater extent than they might otherwise do, but also a corporation does benefit as well from the corporation tax rules which allow it a number of privileges that are not available to individuals carrying on business, who must file personal income tax returns.

One of the very obvious examples is the fact that a corporation pays a maximum rate of tax of around 50 per cent in this country on its profit, whereas an individual on his or her income can pay a maximum rate of tax that can go up to as high as 80 or 85 per cent if they don't organize their affairs to minimize their tax. There are a number of other advantages which we give to corporations in this country because we have a government that believes in free enterprise, because the corporation has been proven over a fair amount of time as a relatively efficient means of organizing economic affairs in the private sector.

I don't want to give a paean to that kind of thing, I just want to say it is true that in administrations of all ideological stripes, some kind of corporate form of organization has been found to be necessary. One has to ask oneself, however, just how much privilege in terms of secrecy a corporation should be entitled to. The Liberal Party of Canada, through the federal Parliament, has ruled that any company—

Mr. Breithaupt: You mean the government of Canada?

Mr. Cassidy: —the government of Canada, through Parliament, when it was under the control of the Liberal Party of Canada, because it has a majority—

Mr. Cunningham: Still is.

Mr. Breithaupt: Still is.

Mr. Cassidy: —has passed legislation that requires that any company with assets of over \$250,000 or annual sales of over half a million dollars, I believe it is, which is federally incorporated is required to file annually with the Corporations and Labour Unions Returns administration a statement of its assets and liabilities and a statement of its profit and loss.

The screams that greeted that particular proposal back in the 1960s echoed from Bonavista to Vancouver Island. Yet we have now lived under that regime for a number of years. I haven't noticed that enterprise has suddenly collapsed from the effort of having to unveil its affairs before the public.

Mr. Breithaupt: We don't know anything more than we did before.

Mr. Cassidy: No, as a matter of fact, we do. What has happened is that when corporations saw that the writing was on the wall, many companies which had previously been very covert in their activities said, "Okay, if we've got to do it we will." Like good corporate citizens they have sought to live up to the law. There are a number of companies whose accounts were previously private, who now not only file annually with CALURA in Ottawa but in fact have made a point of preparing annual reports, just as though they were public companies, which they make available to suppliers, to creditors and to the interested public. Obviously they are to be commended for doing that.

In Ontario terms the set of limits are a bit high because companies in this province tend to be smaller than they do on a national scale. Therefore the limits that have been proposed in this amendment are \$100,000 in assets, or \$250,000 in annual sales. I think that the House will agree however, that the limits proposed are commensurate with those that have been successfully used under CALURA.

I think it should also be noted, Mr. Chairman, that some of the companies which currently retain the privileges of keeping their affairs private, despite what I would maintain is a legitimate public interest in knowing what they do, have assets and sales that go far, far beyond those particular limits.

One that the member for Riverdale has been mentioning to me is the T. Eaton Company, Limited, Canada's largest retail department store chain for many years. I guess we don't know right now whether they are number one or whether they have been overtaken by Simpsons-Sears. This company, because of its closely held ownership, has been spared the need to reveal to its creditors and to the public in general exactly what its profit position has been over many years.

I think it's important when we bear in mind this company benefits from favourable tax legislation at the federal and provincial levels, the taxes on the individuals in the Eaton family would be far higher if they didn't have the benefit of the corporate form of organization.

I think that this is a matter of public interest and I think this is true of any other company. I don't think that members of the Liberal Party can really disagree given the fact that the Parliament of Canada under the Liberal government—

Mr. Breithaupt: We certainly can disagree and we do.

Mr. Cassidy: Then you disagree with your federal brethren. There's another split in the Liberal Party.

Mr. Breithaupt: So what?

Mr. Cassidy: They can't even agree among themselves nor can they agree with their federal brethren.

We think that there is an obligation to the public to disclose, where a privilege is granted by a fiat of this Legislature through The Corporations Act, and we think therefore that this information should be made available. We also believe, and I say this as a socialist, that this kind of disclosure is liable to have the unhappy effect of maintaining and prolonging the enterprise system—

Mr. Roy: Radicals.

Mr. Angus: What do you think we are all about?

Interjections.

Mr. Cassidy: Because it will lead to a healthier corporate economy than we now have.

Mr. Drea: Like England.

Mr. Cassidy: I think it is worthwhile knowing that there has been a very strong school of people who have named them—

selves liberals, who have in the past fought for disclosure by corporations of their affairs as a matter of the public interest—and as a matter, also, of the defence of the enterprise system. So not only is it a matter of the public's right to know, but if the Liberal Party votes against this particular amendment, they may also be voting against genuinely free and competitive enterprise.

Mr. Cunningham: Mr. Chairman, again I would remind the member for Ottawa East that—

Some hon. members: Ottawa Centre—

Mr. Roy: Hey, hey, Ottawa Centre.

Mr. Cunningham: We'll make sure we get that correct. There is a very significant difference there.

The purpose of this bill really is to revise The Corporations Information Act, 1971, and the principle is—again, Mr. Chairman, I would ask you to make a ruling on this—that annual returns are to be abolished and a new return required only where the information is changed. I think the fundamental thesis with this piece of legislation, and I think it's a good piece generally, is to reduce the amount of government paperwork we have right now.

It wasn't long ago that some members of this party to the right of me and government members, we were all together on a select committee in Washington. It was very interesting. We sat with a small business committee and the most interesting aspect of that whole junket was—

Mr. Angus: The lady with the corn-cob pipe.

Mr. Cunningham: —a great statement by the chairman. That was that the most effective thing they did on an annual basis was wipe out needless government forms. I think every member, even the members of the socialist party, all four of them that were there, were very favourably impressed by that. In fact one member isn't here right now. I won't name him but he thought that that was just the cat's meow. A large meow at that.

Mr. Angus: It is only half the story.

Mr. Cunningham: Mr. Chairman, I find this amendment contrary to pieces of the bill. Certainly all this information basically can be provided through our income tax laws. We have annual returns. They are to be audited. They are available to the province

of Ontario; they are available to the federal government—

Mr. Cassidy: Do you want those income tax returns to be made public?

Mr. Cunningham: And I am just wondering, Mr. Chairman, what is this preoccupation with this party to know everything about everybody. Really, I can't get over—

Mr. Angus: The size of your shorts, Eric.

Mr. Cunningham: Well, Mr. Chairman, that's the kind of remark I would expect from that member really. They would like to know what kind of deodorant is used, what kind of toothpaste is used. It really I think is indicative of where that party's going. This party won't support that amendment. We can't support it in any way.

Interjection.

Mr. Cunningham: It doesn't make a great deal of sense to me. There seems to be a preoccupation here with the public's right to know about every company.

Mr. Cassidy: That is a very important right.

Mr. Cunningham: And when we are talking about a small company here you talk assets of \$100,000, sales of \$250,000. In my riding that might be a large vegetable stand and I really question this preoccupation with the public's right to know about these terrible corporate citizens. For the most part most of them are pretty decent people providing a great deal of employment here in Ontario.

Interjections.

Mr. Cunningham: This preoccupation I would say to you, Mr. Chairman, and through you to the members to my right, will result I think in a great cost to every taxpayer in Ontario and that's what this bill is about. This bill is about reducing the cost of government and that is why we are supporting it and that's why we are not supporting the amendment.

Mr. Cassidy: Rubbish.

Mr. Roy: I suppose some of my comments on the earlier amendment proposed by the NDP would be applicable here. I must say that I really find strange the unrestrained enthusiasm all at once, especially from the member for Ottawa Centre, to want to know everything, to want to include more forms. I think it is typical—and I should say typical

of that particular party because, like every other party, there are shades in there—but it's obvious that the direction of the member for Ottawa Centre is radical socialist. That's the label and it is obvious every day in the House when he puts forward some of these policies and he tries very hard. I have observed him now for a period of years—

Mr. Cassidy: If you say it, I feel better. I thought I was drifting to the right.

Mr. Roy: I have observed him for a period of years and he tries to mellow. He tries to mellow the approach, the image.

Mr. Cassidy: But deep down you know he is left.

Mr. Roy: The hair has been cut since his first days in the House. He washes more often. He puts on a tie once in a while—the whole bit—

Interjection.

Mr. Roy: —but when we get legislation like this his enthusiasm—

Mr. Cassidy: I don't buy a suit every week.

Mr. Roy: —is unrestrained. His enthusiasm is unrestrained and there he is—"the right to know." I say, Mr. Chairman, we could be convinced of something like this if there was an evil that was being cured. Is there something going on? If we knew that there was an abuse somehow by the corporations in not filing this type of thing—

Mr. Wildman: How can you know whether there is wrongdoing unless the information is public?

Mr. Roy: —but at no time—and this applies to the member for Riverdale as well—

Mr. Cassidy: If you create a dark place, the maggots will breed.

Mr. Roy: —they always talk about high principles and I really thought that that party had got rid of the Waffle party, but I guess not. You still see strains of it when you get something dealing with corporations. And the member for Ottawa Centre—it's obvious; the minute he hears the word corporation, it is just like showing a bull red, you know. He goes wild. He goes wild and it is obvious from this type of approach—

Interjection.

Mr. Roy: —especially when he considers these types of limits here—\$100,000 assets. Why, if your own leader was incorporated,

he would have to disclose. Even he would have to disclose! Now I ask you, even you, is that fair?

Mr. Cassidy: Sure. Let him tell everything.

Mr. Roy: Is that fair that he should have to disclose? So I say, Mr. Speaker, it's ridiculous. I mean corporations have to put in income tax returns every year. These corporations have to put in that sort of statement. What is there about filing statement of profit and loss and statement of assets? As my colleague from Wentworth North has said, this would encompass very small businesses. Anybody who owns a building, anybody who is involved—

Mr. Ruston: Pretty good 50-acre farm.

Mr. Givens: Chicken coop.

Hon. Mr. Rhodes: You mean every teacher is going to have to file?

Mr. Roy: And so on, so I say when you look at the principle of this bill and, I say again, when you consider the member who is proposing it, it's very difficult for us to support it. I say to the parliamentary assistant, it is not as though we are in love with you. You know that—and I say that fairly to you.

[9:00]

Mr. Drea: Albert, I would never be in love with you.

Mr. Roy: We try to take an objective approach. We are not in love with him, and certainly we are not going to be mesmerized by the amendment of this particular member. It is radical socialist doctrine and we will have none of it.

Mr. Cassidy: Like Pierre Trudeau. Is that right?

Mr. Angus: Mr. Chairman, I have been pressed into replying to the hon. members of the Liberal Party, because I think once again they are misleading the House in trying to indicate what is not correct.

Mr. Chairman: You can't accuse another member of misleading the House.

Mr. Angus: Oh. I withdraw that remark, Mr. Chairman. My apologies. It was a slip of the tongue.

Mr. Cassidy: He was accusing them all. They are all guilty.

Mr. Hodgson: He hasn't graduated to a tie yet.

Mr. Angus: Sorry, I can't hear your mumbles.

Hon. Mr. Rhodes: Well, he's not lacking in hair anyway.

Mr. Angus: Mr. Chairman, the members of the Liberal Party have commented that our amendment will increase the number of forms that would have to be filled out. That is not what would occur. The amount of paperwork would not increase by this amendment, should it be accepted by this House. The information that would be received by the government would assist the government in understanding the nature of the corporation.

Mr. Roy: How?

Mr. Good: What would they want to know about it?

Mr. Angus: To the comment regarding the change in paperwork, the fact is that as this legislation now stands you only have to file once every five years unless there is a change. How much of a change will occur between the range? Not very much, I would suggest, for the small businesses.

Mr. Shore: What are you going to do when you run out of paper?

Mr. Cunningham: We are going to micro-film it.

Mr. Angus: They are trying to portray an image of protection of the small businessperson, but really what they are doing is protecting their corporate friends at the sake of the small businessperson, because this amendment will give the small businessperson the ability to find out what those major corporations are doing in terms of gobbling up his competitors, his small business neighbours, so that he can understand exactly what is happening and he can take appropriate actions to counteract that.

Thirdly, there was a reference to the tax forms. If they are already doing these tax forms, then it's not much of a problem to add photocopies or to recopy them and send them in with this submission.

Mr. Chairman: The hon. member for Riverdale.

Mr. Good: This is the last word.

Mr. Renwick: Oh, it's not a question of the last word!

Interjections.

Mr. Chairman: Can we have some order, please? The hon. member for Riverdale will please proceed.

Mr. Renwick: Mr. Chairman, the conceptual problem that we are faced with tonight is almost overwhelming in the face of the barracking that's involved—

Mr. Roy: There is an ideological difference—you are right there.

Mr. Renwick: I would like to engage the attention of the members of the committee just briefly, at least in a reasonable framework to talk about what we are trying to say to the House. We tried to say it on the first amendment, which fortunately was passed. We tried to say it on the second amendment, which is going to be voted on. We are also trying to say it on the third amendment.

An hon. member: Is the member for London North (Mr. Shore) going to be talking on this?

Mr. Renwick: We are not hung up—

Hon. Mr. Rhodes: You ought to be.

Mr. Renwick: —on the question of what the arbitrary selection of figures may be within the amendments which are put forward, either on the previous amendment proposed by my colleague, the hon. member for Fort William, or upon the criteria as set out by my colleague, the member for Ottawa Centre, on this amendment. That's not the problem. The problem is whether there is an obligation to have public information made available by certain companies after they achieve a certain size and a certain economic position in the country. That's all we are saying. I think the dividing line is very clear. I am quite certain that the member for London North, were he to engage in this debate, would be in agreement with this.

Mr. Wildman: He is trying to be inconspicuous.

Mr. Renwick: For example, in The Income Tax Act of Canada and The Corporations Tax Act of the province of Ontario we have tried and tried and tried to provide a tax situation which would be hospitable to something called small businesses that choose to use the corporate form; and there are definitions which define what the small business is, for the purpose of those deductions.

Yesterday or the day before—I guess it was the day before—we passed in this assembly Bill 99, which was an amendment to The Corporations Tax Act, to provide that certain

"small businesses" as defined in section 125, I think it is, of The Income Tax Act of Canada, would be entitled to certain preferred tax provisions of The Income Tax Act of Canada—so that the corporation tax here and the corporation tax in Ottawa would be the same.

The interesting thing is that the government, when it's collecting revenues, is extremely sensitive and extremely interested as to the distinctions they make. The effect of those taxing statutes is to say that there is a division between companies. Those that fall on the one side are called small businesses and are entitled to certain tax credits, benefits, deductions and other things which are designed to implement the development of small business. They get tax relief because they fall within those definitions. If you don't fall within them you bear the full range of the corporate tax in the province of Ontario.

What we are trying to say, after many years in the House, is that there is a distinction between small business in corporate form and other business in corporate form. The area where the distinction has been found and embedded in terms which are understandable to business, because they must file income tax returns—not this minor form—is in the detailed information under The Income Tax Act of Canada and under The Corporations Tax Act of Ontario. We happen to believe that if government intrudes on private business for tax purposes, certainly the public is entitled to have a modicum of that information available to them.

Mr. Shore: Do you want to make your own return public too?

Mr. Renwick: Yes, I'll make my own return public. I don't mind that.

Mr. Shore: You do that.

Mr. Roy: Why should it be public?

Mr. Renwick: All that we are saying very clearly—you're not listening, you're talking.

Mr. Deputy Chairman: Order, please.

Mr. Renwick: Do you want to take the floor?

Mr. Deputy Chairman: Order, please. The hon. member will continue.

Interjection.

Mr. Renwick: If we recognize in the taxing structure of corporations that there are corporations which are entitled to the benefit of something called small business definition, we agree. Those corporations should not be re-

quired to disclose information for public purposes which is not required of other companies. If, however, regardless of the form of the ownership or the public participation in companies, you go over a certain line, then you are subject to the full weight of The Corporations Tax Act in Ontario and of The Income Tax Act of Canada.

We're saying that the dividing line should be the dividing line which is used for the purpose of public information. If you are not a small business for tax purposes, you're not required to make the disclosure. If you are, then you're required to make the disclosure. Everyone knows that those are changing concepts, but that's the concept that we're talking about.

Mr. Roy: Is that the figure, \$100,000?

Mr. Renwick: As long ago as 1967 and 1966, in a select committee of this assembly, all of the arguments were put before us, and this is now almost 10 years ago. Without quoting at great length from the particular chapter of the particular report, I want to say what they said. They at least recognized the merits of the arguments on both sides. The assembly tonight in committee is not admitting that there is any other side than the side that the particular position of this party takes. The others don't understand that there's some merit in the argument which we're putting.

At least a committee of this assembly 10 years ago, when this question was not of such public focus and public attention, had this to say: "A compromise between the proponents and opponents of public filing of accounts might be possible if an accurate and workable statutory definition could be devised to divide the class of companies which should be required to file their financial statements from those which should not be so required."

The committee understood that there was merit in the arguments for and there was merit in the arguments against. The merit of those arguments still stands, both for and against.

Mr. Roy: We don't like your amendment.

Mr. Renwick: It's not a simple proposition. It's a very definite question of the socio-economic impact of the corporate form of doing business. The committee then said: "The committee does not recommend that the financial statements of all companies be required to be filed with the Provincial Secretary or at any office of public record."

We admit that. That's why my colleague gave certain criteria that companies had to reach before they would be required to make that kind of public disclosure. But the select committee 10 years ago, in an entirely different corporate atmosphere than the corporate atmosphere today, at least recognized merit on both sides.

The only area where this government ever shows sophistication is in the area of whether or not they should collect taxes or otherwise from the corporations. All that the committee said was when there's a workable definition. That workable definition is now enshrined in The Corporations Tax Act of Ontario and in The Income Tax Act of Canada, and that workable definition for tax purposes is a very good definition which we for public purposes should use for the purposes of public disclosure of financial information for corporations. It's just that simple.

Mr. Shore: That's right. It's just that simple, I'll buy that.

Mr. Renwick: For the members of the Conservative Party, be they a minority or majority government, or the members of the Liberal Party, be they forever a perennial minority party in this assembly—

Mr. Breithaupt: Don't count on it.

Mr. Cunningham: Let's bet on it.

Mr. Renwick: —whatever those views may be, there is a very significant need for recognition that it is not the corporate structure of a company, it's not whether or not a particular family controls a corporation or does not control it that is of major significance. It's the extent and degree to which the sales of the company and the assets of the company, as the criteria of the impacts which they make on the social and economic life of the province, should be measured. The measure for tax purposes in our judgement, until there is a better measure devised, which is significantly substantially what my colleague from Ottawa Centre (Mr. Cassidy) said, should be the criterion which determines whether or not a public filing of financial statements should be made.

Let's not think for a moment that it's a great intrusion on anybody to have their financial statements available for a company which is subject to the full impact of corporation tax in Ontario and does not qualify as a small business one because, for the great bulk of people, auditor's statements in this country are not understandable. So we have still an immense amount of work to do, but at least it would be a start if we required

the financial information to be available, because then we might have some public discussion as to whether or not financial statements are designed to befuddle the public or whether they're designed to provide information.

Mr. Drea: Oh, come on. You design a few yourself. Don't give me that.

Mr. Renwick: I'm simply saying to the parliamentary assistant to the Minister of Consumer and Commercial Relations that there is a legitimate distinction between those companies which should file and those companies which should not file their financial statements. In this day and age, that legitimate distinction is enshrined in The Corporations Tax Act of the province by reference to the federal Income Tax Act. If it's good enough for tax purposes, it should be good enough for the public.

[9:15]

I ask the members of the ministry to start to open up their minds a little bit to the needs of the economic society in which we live, and not to retire behind some barricade of secret hidden information which should be public. I'm saying to the parliamentary assistant, read that committee report and hear the arguments on both sides. Understand the merit of both sides, recognize that there is a problem, and if you won't accept it tonight, come back—

Mr. Roy: Where is there a problem?

Mr. Renwick: —at some point in time with an acceptance of your version of the definition which is required in order to provide adequate disclosure. It used to be said that we had a private company distinction and a public company distinction. That was irrelevant in this province. It was abolished. But the more sophisticated test, the real sophisticated test, is in your Corporations Tax Act. That's where it is.

If you want to start cutting down paperwork, look at the paperwork under your taxing statutes and don't worry about the minor pieces of information which are available to the public under the companies division of your ministry. That's minuscule compared with the paperwork involved in the impingement by the tax structure which you've raised under the sales tax and under the corporations tax to impinge on small business. But at least make the distinction. At least recognize the problem. At least have the graciousness to say there is a problem.

Mr. Roy: What is the problem?

Mr. Drea: I'm trying to figure it out.

Mr. Renwick: If the parliamentary assistant doesn't understand it, I say he's taking the position that there should be no public disclosure by any corporation in the province of Ontario—

Mr. Cassidy: That's right, that's right.

Mr. Renwick: —of any financial information. That's what you're saying because there is no public disclosure now, and this bill says that there will never be any.

Mr. Drea: Nonsense.

Mr. Renwick: All right, deny it if you will.

Mr. Drea: I just did.

Mr. Renwick: But that's the position of this government: No financial disclosure of information by any company, of any kind in the province of Ontario to the public; no place where the public can go and get the information.

Mr. Drea: You discovered The Securities Act late in life, didn't you?

Mr. Renwick: That's what you're saying, so far as every company under the jurisdiction of your ministry is concerned. The only distinction, the only exception you make is timely disclosure if you're going to raise money from the public. That's the only distinction you make.

Mr. Shore: Whoa, whoa, whoa.

Mr. Chairman: Order.

Mr. Renwick: But most people in this province do not invest their money in corporations. They buy the products and they buy the services and they buy the goods which are provided. They are consumers of the service. They are not investing capital in those companies.

Mr. Ferris: You would put a financial statement on every bar of soap.

Mr. Bain: I like that.

Mr. Shore: You could wash yourself with the statement rather than the soap.

Mr. Wildman: Point of privilege: We have complained a number of times about the sound system in the Legislature. It's been repeated many times. I just want to complain tonight that there seems to be an echo in

here. When the member for London North talked, it sounded as if the noise was coming from over there, and I really wish we could do something about it.

Mr. Shore: That's a pretty major contribution you just made.

Mr. Chairman: Order, please.

Mr. Cassidy: Mr. Chairman, there are a few comments I want to make before this amendment goes to a vote. The Conservatives, of course, have been able to sit back during the course of this particular debate and listen to the Liberals do their fighting for them, but we may as well establish that if the government party chooses to oppose this particular amendment, it means it is opposed to the public's right to know—

Mr. Bain: You bet they are.

Mr. Cassidy: —that's right—basic financial information which underlies the whole corporate system that we have in this province. The point has been made, by the Liberals this time, that they think the aim of this bill is to reduce form filling and they are in favour of the reduction of form filling.

Mr. Roy: Bureaucracy.

Mr. Cassidy: They take a bill which requires very basic information to be filed regularly about companies and they say this is not a bill about companies, this is a bill about forms. What has happened is that they ignore the substance of the bill and are looking at the forms and nothing more. They are throwing out the baby with the bathwater. I would suggest that if they are really dedicated to reducing the number of forms—

Mr. Ferris: That is an original line.

Mr. Cunningham: You jump in with the baby and we'll throw you out.

Mr. Cassidy: —if they were really dedicated to reducing the number of forms, Mr. Chairman, they would either have opposed this bill in its entirety and said no small business or no big business should have to file any kind of a corporate return, or they would have taken the sections one after another and they would have struck them out all the way through the bill until there was nothing left to file at all, once the company was originally registered.

Mr. Ferris: Surely you jest.

Mr. Cassidy: That is not ridiculous, that is precisely what the Liberal Party is saying. In fact, Mr. Chairman—

Mr. Ferris: I don't know where you got your expertise, Mike.

Mr. Cassidy: In case you don't know, I was a financial journalist for the Financial Times of Canada for a number of years. It's a well known socialist newspaper, as I am sure you have grasped—

Mr. Deputy Chairman: Order, please.

Mr. Roy: The measure of your expertise is that you are an NDP member.

Mr. Ruston: No wonder 80 per cent of the newspapers were wrong as to who would win the election, if you are one of them.

Mr. Deputy Chairman: Order, please. I wonder if the member might return to debate the clause by clause, and not be too repetitious.

Mr. Cassidy: Mr. Chairman, the party on my left is very rapidly becoming Canada's first know-nothing party. There's a great and honourable tradition down in the States and they are joining in it.

Mr. Breithaupt: We certainly aren't learning anything from the party on our right.

An hon. member: We will never learn anything from you.

Mr. Cunningham: This certainly isn't a credit course.

Interjections.

Mr. Cassidy: Mr. Chairman, the aim of the bill is obviously to reduce unnecessary form filling. I would like to see the government in fact engage not just on this particular set of forms but also on the whole range of other forms which are required of small business people. Sometimes there are as many as three and four a week they have to fill in. Constantly the pressure is on and it is all done by small businessmen without outside help. If Eaton's has to fill in forms, they hire an extra accountant. If the guy who runs a small business on Elgin Street in my riding has to fill out extra forms, it means he has to spend an extra hour or two on a Friday evening rather than spend some time with his wife and kids.

Mr. Breithaupt: It has nothing to do with this bill.

Mr. Cassidy: These are forms which come week after week after week. Let's look at what is being proposed in this particular amendment. The amendment in the first place doesn't touch the guy who has a small

business on Elgin Street in my riding, because if he is to be required to file, his sales have to exceed a quarter of a million dollars a year or the assets have to exceed \$100,000. It has to be substantial.

Second, it requires an audited statement. Those audited statements will be automatically available for any company of that size because they will be audited annually. Their creditors will require them to be audited. All that is required in terms of effort by a business affected by this particular bill is a 10 cent stamp, an envelope and a trip to the post office with the 5 o'clock mail in order to mail it down to Queen's Park, and nothing more, Mr. Chairman.

Mr. Breithaupt: Why do we need it here?

Mr. Cassidy: That is all. Nothing more than that is required. Yet this is what the Liberal Party and the government are prepared to wrap themselves around—essential information which is central to—

Mr. Roy: Why is it essential?

Mr. Cassidy: —the privilege of having a corporation they would deny for the price of a 10 cent stamp.

Mr. Breithaupt: It is not worth the 10 cents.

Mr. Cassidy: I think it is, as a matter of fact. That remark may go down in history when the public of the member for Waterloo—

Mr. Breithaupt: Kitchener is the riding.

Mr. Cassidy: —is told that the information that they seek to protect them in the marketplace wasn't worth the price of a 10 cent stamp.

I would be very interested to see what attitude the Liberal Party of Ontario takes when we get to the question of a freedom of information Act, Mr. Chairman. We happen to believe that there should be some daylight on the operations of the government of this province and there should be some daylight on the operations of the corporate sector in this province—

Mr. Roy: Sure, you would abolish it.

Mr. Cassidy: —and that is what we are trying to introduce in legislation. But it is being systematically opposed by the government and systematically opposed by the Liberal Party and I think the public of Ontario can judge whether daylight or night is what they want for the province.

Mr. Shore: Which one do you fit into?

Mr. Reid: You are asking him where he fits, Marvin? You've got to be kidding.

Mr. Makarchuk: Mr. Chairman, I wasn't intending to get involved in this debate. However, after I sat here and listened to the Liberals on the one hand claim to be the friends of the small businessman and on the other hand be prepared to shaft him immediately and thoroughly, I can understand some of the things that have been happening in this House. They are neither fish nor fowl. I can understand the problem the member for London North had. He had an identity crisis.

Mr. Cunningham: Is he speaking to this amendment?

Mr. Breithaupt: The member for Ottawa Centre was wanting it both ways.

Mr. Deputy Chairman: Order, please. Perhaps the hon. member might speak to the amendment and the section of the bill.

Mr. Makarchuk: The reason I'm up to speak on this particular amendment is that yesterday I had a very corporate-looking gentleman drop into my constituency office.

Mr. Reid: Did he want to buy your boat, Mac?

Mr. Breithaupt: How big a corporation did he have?

Mr. Makarchuk: Ordinarily, my office is not the gathering place for the corporate elite.

Mr. Reid: Wanted to buy your boat, eh?

Mr. Cunningham: He is out of order.

Mr. Deputy Chairman: Order, please.

Mr. Makarchuk: But they did arrive in this case. This gentleman was in rather great distress and the reason he was in distress, and I hope my friends to the left will listen to this, is the fact that he was employed by a firm—a reasonably large-sized firm with assets over \$100,000 at least.

Mr. Roy: We don't listen to foolishness.

Mr. Breithaupt: And sales were more than \$250,000.

Mr. Makarchuk: He was persuaded by the management of the company to invest a sum of \$20,000 in the firm. He was told the firm was healthy. He did not have an oppor-

tunity to see the details. Of course, this is what we're trying to do here—ensure that the financial statements are available. Of course, they weren't available.

Mr. Reid: He must be NDP. Nobody else would invest without making sure what was going on.

Mr. Makarchuk: I may say this gentleman used to be a Liberal, anyway.

Interjections.

Mr. Makarchuk: The gentleman in this particular case put up his house as collateral and borrowed \$20,000, which he gave to the company to receive 10,000 preferred shares in the company.

Mr. Ferris: Send him down for the next campaign.

Mr. Makarchuk: Shortly thereafter the company went into bankruptcy and the Clarkson company was appointed as the liquidator of the assets. The result, of course, was that the Royal Bank of Canada managed to get its money, RoyNat certainly also got its money, and the development corporation got most of its money. However, this gentleman did not get his money. In fact, he's totally out of the picture. He has written to Clarkson Gordon asking them what happened to this company. How were the shares distributed? Who collected the shares?

This is the kind of information that should be made available to the public. This is the kind of information that we're arguing about right now. This is the kind of information that, if it was public, would have let the gentleman know what was going on inside that corporation. Obviously you are not prepared to give them that kind of information. That's the crux right here, that's what the argument is all about.

An hon. member: Shame on the Liberals.

Mr. Makarchuk: The net result of this, of course, is he did write to Clarkson Gordon. I'll just read part of the letter. I'll leave out the name of the company.

"With reference to business loan to [it names the company] to the amount of \$20,000 issued by me on April 1, 1975, deposited to the Royal Bank of Canada, main branch, Brantford:

"With your knowledge of the financial situation company, please send me a copy of the financial statement of [name of company], at the time of deposit of the above-mentioned money and the statement at the time of fore-

closure. Since I did not hear from you, I was not notified as to my status and the whereabouts of the money. As you know, I have not received company shares. Therefore the invested money is legally treated as a loan to the company. Please let me have your formal statement by return mail."

Of course, he did receive a letter from Clarkson Gordon:

"Re [the company again] the Clarkson Company Limited was appointed receiver and manager and agent by the Royal Bank, RoyNat and the Ontario Development Corporation. All the assets of [name of company] have been pledged to these parties and on their behalf we are realizing on the assets.

"The amount recovered is not sufficient to pay off secured creditors and each will therefore suffer a significant shortfall. Unfortunately, this also means there are no funds available for the unsecured creditor like yourself. We have now completed our assignment with [company again] and therefore we suggest you look to the company for copies of financial statements."

Of course, he's looked all over for copies of financial statements. He's looked all over to find out where the shares went and he's in a very desperate situation. Now the bank has called the loan on his house. He is out of a job and has no way to pay for his home. He has a family to support. Here is a reliable citizen who believes in the private enterprise system, I presume. I never asked him that question or how strongly he believes in it or whatever it is.

[9:30]

Mr. Angus: He may not believe it any more.

Mr. Makarchuk: He was prepared to work. He took the chances. He was prepared to contribute and he invested his money. Because the information was lacking, he is out and also, because there is nothing to persuade either Clarkson or the company or anybody else to tell him, he just doesn't know where to go. They said he could go and get a lawyer. He discussed it with a few lawyers and they said if he put up \$1,000 immediately. They look after things very well for themselves, I must admit.

Mr. Shore: Tell him to call me. I'll help him out.

Mr. Makarchuk: Yes, I am sure you will. I am sure you will.

Mr. Cassidy: Then vote for the amendment.

Mr. Makarchuk: But, anyway, he can't afford that so he's out. This is a good example of the kind of service that can be done by legislation to people like this man. And you sit there and laugh and chortle about the whole thing. I think it's disgusting.

Mr. Roy: Don't be crazy.

Mr. Makarchuk: You are totally irrelevant to the functioning of this house.

Mr. Chairman: Order, please.

Mr. Makarchuk: You have people who are prepared to do something and all they ask is a fair chance, and you are not even prepared to give that to them.

Mr. Roy: God, you are foolish.

Mr. Deputy Speaker: Order, please.

Mr. Breithaupt: The member for Brantford (Mr. Makarchuk) has given us a situation which is indeed an unfortunate one and I don't quarrel with that in the slightest.

Mr. Bain: But you are not going to do anything to see it doesn't happen in the future.

Mr. Breithaupt: But I say that the form of this amendment would have done nothing and would do nothing to resolve that problem any time in the future. The member for Brantford has said that this person to whom he referred apparently was working and involved in a certain company and apparently this person was not aware of loans to the Ontario Development Corporation, to heavy indebtedness to the bank and to the whole difficult situation in which this company happened to find itself.

I suggest to the member for Brantford that if this company had filed financial information that might now be almost a year old, shall we say, or perhaps even a year and a half old, it would give the investor, the person that had come to him, no more information than he should have found out on his own if he was going to invest money in the company. While I regret that this person has lost funds, I see no advantage to be given by having every corporation file information that will not be used either in the ordinary case or even rarely in exceptions.

The problem and the serious problem that you have presented to the House is one which will not be resolved in my view by this particular amendment. I simply do not see how a lot of out-of-date information filed annually will prevent a difficult situation from happening to a certain individual. I just don't see the benefit that would flow from this

amendment to a person who is choosing, as you say, to take a chance and involve himself in a certain financial situation. Of course, he should have received that information. He should have had it in great depth and indeed in greater depth than even this amendment would call for, but I don't see how this amendment would have resolved that very unfortunate problem.

Mr. Renwick: Just a brief note, I think the member for Kitchener would clearly understand that the public and timely disclosure of financial information for public consumption is a great inducement to honesty, and that's what happens when you make public disclosure. People are careful. People are honest if people are required to disclose. The information may be old but at least it's honest and at least it is available.

Mr. Reid: How do you know? Who is going to check it?

Mr. Renwick: Who is going to check it? Most of the statements would be audited by financial auditing firms of chartered accountants who have professional reputations involved in it. It is just that simple.

Mr. Reid: It is a year old. It is like cold potatoes.

Mr. Renwick: That's why we have gone the route of public timely disclosure under The Securities Act. It is a tremendous inducement to honesty. I say that as an endeavour to answer the comment made by the member for Kitchener about the pitiful situation which my colleague, the member for Brantford, detailed to the House.

Mr. Makarchuk: On that same point, I think that if the member for Kitchener is so convinced that this information wouldn't help, I'd like to see him talk to the gentleman about this. I'm sure he would tell you that you really don't know what you're talking about.

The information may have been, at the most, a year old. But even with information that's a year old, if you're involved in a company, as my colleague from Riverdale pointed out, there's a desire, shall we say a legislative force, to stick to honesty. But even with information a year old, if you're going to invest money in something it's helpful information, it's useful information. Although it may not help to resolve all problems or prevent similar incidents from happening in all cases, I'll guarantee you that it will help in very many cases. And if we're going to err, whether we introduce legislation of this na-

ture or not we have to err on the side where we can help this kind of an individual.

Mr. Chairman: If there's no other member who wishes to participate in the debate, perhaps the member for Scarborough Centre?

Mr. Drea: Mr. Chairman, the arguments have been made for more than an hour on this. I don't think I could add anything to it. We won't accept that proposed amendment.

Mr. Chairman: All those in favour of Mr. Cassidy's amendment will please say "aye."

All those opposed will please say "nay."

In my opinion, the motion is lost.

It is stacked.

Any other comments or amendments to any other section of the bill? If so, which one?

No others?

Mr. Breithaupt: I was wondering if we could at least put the other two bills before the committee, so that if there happened to be amendments they could be dealt with and, hopefully, we would be able to resolve everything with one voting practice this evening.

Mr. Drea: Mr. Chairman, I don't think there'll be any amendments to Bill 137 or Bill 138.

Mr. Lewis: Just on principle we will invent one.

Mr. Drea: If you have one they're both ancillary to this. One deals with share capital and one without.

BUSINESS CORPORATIONS AMENDMENT ACT

House in committee on Bill 137, An Act to amend The Business Corporations Act.

Sections 1 to 3, inclusive, agreed to.

Bill 137 reported.

CORPORATIONS AMENDMENT ACT

House in committee on Bill 138, An Act to amend The Corporations Act.

Sections 1 to 3, inclusive, agreed to.

Bill 138 reported.

CORPORATIONS INFORMATION ACT (concluded)

The committee divided on Mr. Angus's amendment to add a clause (g) to section 3(1), which was negatived on the following vote:

Ayes 24; nays 47.

The committee divided on Mr. Cassidy's amendment to section 3(4), which was negatived on the same vote.

Section 3, as amended, agreed to.

Bill 136, as amended, reported.

On motion by Hon. Mr. Auld, the committee of the whole House reported two bills with amendments and two bills without amendment.

MUNICIPAL AMENDMENT ACT

Mr. Norton, on behalf of Hon. Mr. McKeough, moved second reading of Bill 149, An Act to amend The Municipal Act.

Mr. Swart: Mr. Speaker, I want to make some comments on this bill and to say immediately that we intend to support the bill for the purpose of getting it to a committee of the House, where we hope to make some amendments. I think it's fair to say that there are some desirable trends in this bill: first of all, to giving more authority to local councils—

Mr. Kennedy: Are you opposed to this bill?

Mr. Swart: —and, second, to making local government a bit more democratic by removing the two-thirds and, in some cases, the three-fourths vote that it takes to pass or change municipal legislation.

This bill also has some merit in that it corrects some things that were wrong in legislation. In fact, it corrects one mistake that was made by the government last year. I want to make the point very clearly, with regard to this bill and the other municipal bills that we'll be dealing with and with regard to the planning bill we dealt with today, Bill 130, that there has not been adequate consultation with the municipalities and with their organizations.

Mr. Bain: That's their usual method.

Mr. Swart: They have asked for this year after year. At the PMLC meeting which was held two weeks ago tomorrow, I believe it was, there was criticism made there by the

chairman of the regional municipality of Ottawa-Carleton about inadequate consultation and inadequate notification. There was some sort of assurance given him that there would be more time given for consideration by the municipal organizations. Then I found out today that at least one of the major organizations received a copy of Bill 130 just yesterday at the same time as they received copies of the municipal bills with which we are dealing tonight.

I suggest this is not good enough if we want to deal fairly with local government. I ask the parliamentary assistant, because he seems to be handling these bills, if he will assure there is adequate time between the second reading and the clause-by-clause discussion of these bills, so the municipalities and their organizations have an adequate opportunity to make input to these bills.

Mr. Lewis: Withdraw your juggernaut tactics.

Mr. Swart: I also want to say that I have come to the conclusion during the 13½ months I've been in this House that the Treasurer (Mr. McKeough) gives very low priority to municipal matters. He, of course, is the minister of almost everything, but to the best of my knowledge, and I think I am right, he has not been in this House on one occasion in those 13½ months when a municipal bill has been discussed.

Mr. Lewis: It is beneath his dignity.

Mr. Swart: This is no reflection on the member for Kingston and the Islands (Mr. Norton), but I suggest that—

Mr. Bain: Not meaning to criticize the member for Kingston and the Islands.

Mr. Speaker: Order, please. The member for Welland-Thorold only. Thank you.

Mr. Swart: I suggest the Premier (Mr. Davis) perhaps should give some consideration to making him Minister of Municipal Affairs—

Mr. Bain: He is already. That's the next announcement.

Mr. Speaker: Order, please.

Mr. Swart: —rather than just having the man who's supposed to be the minister constantly opting out.

Mr. Lewis: What does it feel like to be the lackey to the Duke of Chatham-Kent?

Mr. Norton: It's a great experience.

Mr. Speaker: The hon. member for Wel-land-Thorold.

Mr. Swart: I have to say that I strongly support the section of this bill which provides for a municipal code rather than having individual bylaws on every issue in a municipality. This is done in a number of states in the United States very successfully. It was instituted in this country, I believe, in Kitimat—I think I'm correct in saying that—and now it has been asked for by the regional municipality of Peel. I think it's a move in the right direction. It eliminates a lot of repetition of definitions in 40 or 50 or 100 different bills and it consolidates those bills into one code. I suggest it is very valuable.

I think, perhaps too, I support and our party supports the proposal to extend the terms of debentures on disposal systems and on road equipment, doubling the time in which they can pay for these. I would like to point out, though, I am very suspicious of the motives for it. The government more and more is going deeper and deeper in debt, and seems to be encouraging the municipalities to do the same sort of thing. There is at least one other section of this bill which does the same thing—makes it possible, in fact almost compels municipalities to go deeper in debt.

There is a section of Bill 149 which permits municipalities with a population of over 20,000 to change the interest rate and certain other things on unsold debentures—at least to vary it from the approval that was given by the Ontario Municipal Board to one-half of one per cent, without having to go back to the Ontario Municipal Board for the second time to make that change.

I want to say that we in our party can't support the apparent philosophy behind this. Somehow or other the council of a municipality of under 20,000 is not capable of making a decision on its own as to whether it wants to vary interest rates by one-half of one per cent. Surely if you have that protection in the bill where they cannot vary it

more than one-half of one per cent without getting approval of the Ontario Municipal Board, you should not require all municipalities under a population of 20,000—I would point out that that is about 740 of the 800 municipalities in this province—that they must go back to the Ontario Municipal Board, have the lengthy delay which sometimes runs—and I am sure the member for Kingston and the Islands knows—into six or eight months, to make a variation perhaps of only one-quarter of one per cent in the interest rate for debentures.

Surely you can reconsider that and perhaps bring in an amendment on your own to give all municipalities permission to make that slight variation without having to go to the Ontario Municipal Board. I suggest that somehow or other that seems to be an indication on the part of the government that bigness is good. If you are big and powerful we will let you do these things on your own, but if you are a small municipality, those members of the council don't have the wisdom and the good common sense that councils have in municipalities with populations over 20,000. It's the same sort of belief that I think has caused the government of this province to get into regional government on a massive scale and of a massive size.

I notice too that they are going to rescind the requirement for municipalities to give security of loans from the development corporations. I believe that was just passed last spring. Now that is going to be rescinded and I commend the government for doing that.

Mr. Speaker: Does the hon. member have much more to contribute to this debate?

Mr. Swart: Yes, I have about 10 more minutes, Mr. Speaker.

On motion by Mr. Swart, the debate was adjourned.

Hon. Mr. Auld: Mr. Speaker, before moving the adjournment of the House I would just inform the House that tomorrow morning we will have budget debate.

On motion by Hon. Mr. Auld, the House adjourned at 10:30 p.m.

CONTENTS

Thursday, November 4, 1976

Corporations Information Act, in committee	4435
Business Corporations Amendment Act, reported	4453
Corporations Amendment Act, reported	4453
Corporations Information Act, reported	4454
Municipal Amendment Act, Mr. McKeough, on second reading	4454
Motion to adjourn, Mr. Auld, agreed to	4455

SPEAKERS IN THIS ISSUE

Angus, I. (Fort William NDP)
 Auld, Hon. J. A. C.; Chairman, Management Board of Cabinet (Leeds PC)
 Bain, R. (Timiskaming NDP)
 Breithaupt, J. R. (Kitchener L)
 Cassidy, M. (Ottawa Centre NDP)
 Cunningham, E. (Wentworth North L)
 Drea, F. (Scarborough Centre PC)
 Ferris, J. P. (London South L)
 Good, E. R. (Waterloo North L)
 Hodgson, W. (York North PC)
 Kennedy, R. D. (Mississauga South PC)
 Kerrio, V. (Niagara Falls L)
 Lewis, S.; Leader of the Opposition (Scarborough West NDP)
 Makarchuk, M. (Brantford NDP)
 Moffatt, D. (Durham East NDP)
 Norton, K. (Kingston and the Islands PC)
 Reid, T. P. (Rainy River L)
 Renwick, J. A. (Riverdale NDP)
 Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
 Rowe, Hon. R. D.; Speaker (Northumberland PC)
 Roy, A. J. (Ottawa East L)
 Ruston, R. F. (Essex North L)
 Shore, M. (London North PC)
 Stokes, J. E.; Chairman (Lake Nipigon NDP)
 Swart, M. (Welland-Thorold NDP)
 Wildman, B. (Algoma NDP)



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Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. (Phone 965-2159)

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LEGISLATURE OF ONTARIO

FRIDAY, NOVEMBER 5, 1976

The House met at 10 a.m.

Prayers.

Mr. Speaker: Statements by the ministry.

CONDOMINIUM HOME OWNERSHIP

Hon. Mr. Handleman: I would like to inform the members that the government is establishing a new interministerial committee to examine and make recommendations into the problems of condominium home ownership in the province of Ontario. The Ministry of Consumer and Commercial Relations plans to draw on resource personnel from the ministries of Housing, Revenue and TEIGA. An independent consultant from outside government will be engaged to act as co-ordinator. It is hoped that the individual condominium associations across this province can be brought together and that the resulting input will help us to analyse the situation in order to arrive at workable solutions.

The concept of condominium living is a desirable one which offers advantages consistent with the lifestyles and financial capabilities of a significant percentage of the residents of Ontario. But we must also accept that there are a number of problems which must be overcome if the full potential offered by this type of accommodation is to be realized. It is to overcome some of the obstacles which have surfaced in the past several months that we feel this study is needed and is needed immediately. No doubt most of the members are aware of some of the difficulties with respect to condominium ownership, but I would like to outline briefly the more important aspects of the study.

First, there are delays in registration. Occupancy charges are often considerably higher than rent for equivalent accommodation. There are delays by all levels of government in granting approval for construction and registration. There has been indicated a lack of managerial experience on the part of boards of directors of condominiums. There have been a number of municipal servicing deficiencies. There have been problems arising from excess volumes of rental units in condominiums. The market has indicated that

there are sales practices being used which ignore condominium legislation and which could tend to mislead purchasers.

There have been steep increases in maintenance costs after the guaranteed first-year period. We have evidence that some developers are entering into contracts which are not in the best interests of future owners. These are just some of the areas the committee will examine to make this growing and important form of residential development work for the people of the province.

Mr. Cassidy: Where have you been for the last five years?

Hon. Mr. Handleman: We've considered the possibility of convening an Ontario conference on condominium problems, where condominium associations, developers, municipalities, representatives from the ministries, the legal profession and other interested groups or individuals would meet for the first time for full disclosure of the issues. The condominium concept will alter significantly the lifestyle of future generations and we owe it to the present and future condominium owners to ensure that their quality of life and their financial investment will be protected.

The committee we are announcing today is vitally important to ensure that the transition is conducted in an orderly and logical fashion.

Mr. Cassidy: Like Paul on the way to Tarsus.

Mr. Speaker: Oral questions.

TRAINING SCHOOL DEATH

Mr. Lewis: I have an opening question for the Provincial Secretary for Social Development. Maybe I could recount something briefly and ask her a question about it. Because I was confused about her information yesterday, given to the Legislature about the Norma Dean case, I phoned the judge this morning.

Mr. Reid: You are talking to judges?

Mr. Yakabuski: Dangerous.

Mr. Lewis: Without compromising him and after the event. I believe the judgement was out. Alas, I once knew him. I asked about the disposition which perplexed me yesterday. I'd like the minister to explain something. In the last part of the transcript of the July 7—I do not have the transcript and I couldn't have got it; only the Attorney General (Mr. McMurtry) can I gather—disposing of this case, the following words appear from Judge Fisher: "I would think probably in my view that Norma should not go to a training school. I think that would be a bad mistake. I am not an expert in this area, but my feeling is that it would not be my recommendation that she should go to a training school at all."

That is then confirmed by the mother, acceded to by the experts, and Oakville Reception and Assessment Centre is chosen. Can the minister explain to me why that terribly pertinent fact, involved in all of the events preceding Norma, was not shared with the House yesterday?

Hon. Mrs. Birch: I think there are many events that have not been explicitly explained. That will all be dealt with at a public inquest, where people will be subpoenaed and under oath will be asked to testify. I feel very strongly about it and I am most disappointed in the Leader of the Opposition. I gave him information which he agreed to keep confidential. He discussed some of that information with the press yesterday.

Mr. Lewis: Yes.

Hon. Mrs. Birch: At this point, I'm going to advise the opposition and everyone else that I am not going to answer any more questions that specifically deal with this case until after the inquest has been held. I'm perfectly willing to discuss the broad implications of the system. But I refuse to answer any more questions about this young girl and this unfortunate incident.

POINT OF PRIVILEGE

Mr. Lewis: On a point of personal privilege, Mr. Speaker, the minister will recall that yesterday the leader of the Liberal Party asked her a question about the waiting period for Youthdale, which was not in her statement but in what she had given to us, and which obviously didn't compromise anything to do with the young girl. Outside I simply expanded on the Youthdale point, to talk about the four-phase rural system, revealing

nothing in effect that hadn't been discussed in the House and to which she had responded. With great respect, the details were not shared—I want the minister to know that—except on that one point, and I asked the question this morning only because it seemed to me an important matter was omitted from the record yesterday. I will leave it at that, Mr. Speaker.

Hon. Mrs. Birch: I hope so.

KRAUSS-MAFFEI

Mr. Lewis: Perhaps I can ask the Treasurer whether he is aware that in the 1975 corporate report of the Urban Transportation Development Corporation Limited there is an effective write-off of the Krauss-Maffei licence of over \$5 million paid from the UTDC and, since we were supposed to emerge from the whole Krauss-Maffei relationship without a loss, how do we account for the loss of in excess of \$5 million?

Hon. Mr. McKeough: I think that is a question that should be directed to the Minister of Transportation and Communications (Mr. Snow).

Mr. Lewis: I will certainly redirect it on Monday, if I may.

OCCUPATIONAL HEALTH

Mr. Lewis: I have a question for the Minister of Labour. Some time in September—around September 20, if memory serves me—the minister indicated that Ontario was turning its guidelines into standards for the threshold limit values set up in hazardous work places. Can she explain to the Legislature the difference between a standard and a guideline as it affects the workers in those work places now? What has the qualitative difference been?

Hon. B. Stephenson: Mr. Speaker, as the hon. member knows, there isn't any difference in the levels which are established, because indeed we have accepted the American Conference of Industrial Hygienists' levels or TLVs as guidelines in the past. However, it is not possible to enforce a guideline as vigorously as one can enforce a standard.

While I recognize there is debate amongst the experts throughout many of the states and the provinces regarding the use of TLVs as standards, the ministry believes that indeed it would be more effective in its role in

the enforcement of the threshold limit values if they were established as standards rather than as guidelines at the moment. It does not mean that those guidelines are rigid or that they cannot be changed because indeed, as knowledge increases, they must be changed. They will be standards which we can use to enforce legislation in a rather more effective manner than we can if they are simply left as guidelines.

Mr. Lewis: By way of supplementary and by way of example, since in the area of the coke ovens—by virtue of her ministry's own reports—the exposure levels to which the workers are subject now in Algoma, in Stelco and in Dofasco are several times greater than the ministry's standards—not its guidelines, but its standards—what is the difference in the enforcement procedures?

Hon. B. Stephenson: The difference in the enforcement procedure will be the issuance of orders and the rate of compliance by the employers to those orders. This we will be able to enforce more vigorously.

Mr. Lewis: Let me ask the logical supplementary: Now that the standards have been in place for more than a month, for six weeks or so, have there been any orders issued for compliance with any penalties attached, let us say in the coke oven area?

Hon. B. Stephenson: To my knowledge, not in the coke oven area at this time. What we are attempting to do is to provide all of the relevant employers and the companies' establishments with a list of standards relating to their specific establishments so that they will be aware of them and of the fact that they are to be enforceable standards.

Mr. Lewis: I really hadn't intended to pursue it, but surely the minister is not suggesting that since the standard is the same as the guideline, and they knew the guideline before, there will be any revelation in the list which is revealed to them. I ask again, since the minister has made what she called at the time a major pronouncement in the field of occupational health, is she in fact going to issue specific orders with requirements attached since the ministry's standards are now being violated?

Hon. B. Stephenson: Mr. Speaker, orders most certainly will be directed to those companies.

Mr. Lewis: Thank you.

Mr. Speaker: Any further questions?

[10:15]

GRAVEL PITS APPEAL

Mr. Lewis: I must admit that I guess I have just one further question. I don't know whether it should be to the Chairman of the Management Board or the Chairman of Cabinet. I think to the Chairman of Cabinet, if I may. That is not a matter of personal preference, just a matter of logic.

Hon. Mr. Davis: Since when did logic influence you?

Mr. Lewis: Has he yet decided on the appeal around the gravel pit licences in the Erin area?

Hon. Mr. Davis: No.

Mr. Lewis: I didn't ask the Premier; I asked the Chairman of Cabinet, Mr. Speaker. I don't have to be heckled.

Hon. Mr. Davis: I am just telling you.

Mr. Lewis: Is the Chairman of Cabinet deferring to the Premier?

Hon. Mr. Brunelle: You heard the Premier's answer.

Mr. Lewis: May I ask someone by way of supplementary: Is the minister going to submit to the arguments being made even by the back-bench Tory member who represents Wellington-Dufferin-Peel (Mr. Johnson) that the Minister of Natural Resources (Mr. Bernier) was wrong in authorizing both licences, and at the very most only one should be issued, preferably none at all? Is he taking that recommendation into consideration?

Hon. Mr. Brunelle: I think the matter is still being considered.

Mr. Lewis: But the minister wouldn't leave his member hanging on a limb as he left him for the last several months?

No further questions, Mr. Speaker.

APPOINTMENT OF STATUS OF WOMEN COUNCIL CHAIRMAN

Mr. Breithaupt: First of all, Mr. Speaker, a question to the Premier.

Mr. Breagh: Here is another one.

Mr. Breithaupt: Can the Premier advise us when we might expect his announcement concerning the chairpersonship of the Ontario Status of Women Council, and whether

the Premier intends to appoint the acting chairman as permanent chairman?

Hon. Mr. Davis: That matter, Mr. Speaker, is currently being considered by the government and I anticipate there will be an announcement in the relatively near future.

Mr. Reid: Bring back Laura.

Hon. Mr. Davis: You want Laura back I think.

Mr. Nixon: Maybe you should promote Margaret to that.

Mr. Cassidy: There are nine vacancies on that council.

Hon. Mr. Davis: I have news for you, Michael; you don't qualify for that.

Mr. Cassidy: Neither do you.

Hon. Mr. Davis: Nothing would surprise me.

BROWNDALÉ OPERATIONS

Mr. Breithaupt: A question of the Attorney General, Mr. Speaker.

Can the Attorney General advise us what steps he has taken to investigate the situation brought forward by the member for St. George regarding the possible assessments of the Peel family court of Browndale, and the resulting placement in Viking Homes which has financial and other ties to Browndale?

Hon. Mr. McMurtry: As the member knows, Mr. Speaker—

Mr. Mancini: Steve is one of the shareholders.

Hon. Mr. McMurtry: —there is an ongoing investigation into the financial affairs of Browndale. Dealing specifically with the hon. member's question, as I explained to the member for St. George (Mrs. Campbell) the matter of referrals by a family court judge is a matter solely within the jurisdiction of a family court judge. The Ministry of the Attorney General has absolutely no authority either to advise, direct or otherwise interfere with the judge's discretion in that regard. Obviously this is well understood or should be by the member for St. George in view of her own experience.

COST OF VIKING HOME REFERRALS

Mr. Breithaupt: A question to the Minister of Community and Social Services, Mr. Speaker.

Considering the large bill that the region of Peel is faced with, nearly \$1 million this year alone, due to the referrals to the Viking Homes, is he considering any changes in the financial structure which would relieve some of this financial pressure on the region?

Hon. Mr. Taylor: Yes.

Mr. Breithaupt: Can the minister advise when he might report to us on those changes?

Hon. Mr. Taylor: When any change is worked out it will be announced at that time.

Hon. Mr. Davis: We might even announce it to the region of Peel.

Mr. Breithaupt: I am sure that would be well received in the region of Peel, Mr. Speaker.

BIG DADDY TV

Mr. Breithaupt: A question of the Minister of Consumer and Commercial Relations with respect to the Big Daddy TV situation we have read about.

Mr. Reid: Do you own that?

Mr. Breithaupt: Why has he chosen to issue a cease and desist order against the owner rather than actually fining the company with respect to the unfair practices toward consumers which have apparently taken place?

Hon. Mr. Handleman: Mr. Speaker, it has always been our policy to get voluntary compliance if possible from companies rather than hit them over the head with a big stick. If we can get the marketplace cleaned up I think it is far more constructive than getting a \$2,000 fine out of a company, which does nothing for the consumer.

Mr. Breithaupt: Is it correct that the cease and desist orders are being issued rather than charges being laid because the wording of the business practices legislation makes it very difficult to show that the company has knowingly performed an unfair business practice?

Hon. Mr. Handleman: I think it would be obvious to the hon. member that those kind of things are difficult to prove in court.

However, we have not hesitated to proceed with prosecutions where cease and desist orders are defied or voluntary compliance is not obtained.

CLOSURE OF ARENAS

Mr. Breithaupt: I have a question of the Minister of Labour with respect to the community arena situation. Is the minister aware of a report by an engineering firm in Burlington that various structural changes can be made to redesign some of these structurally deficient community arenas at five to 10 per cent of the replacement cost which is now going to be undertaken? Has the minister any information that can confirm or deny that, so as to benefit the various communities that are hit with these problems?

Hon. B. Stephenson: We have had reports from at least one or two consulting engineering firms recommending certain types of structural change which they believe would ensure that the structures would meet the National Building Code. I believe this information has also been distributed to the various communities by the consulting firms and some of the communities are looking at this quite carefully at the moment.

Mr. Reid: Supplementary: Will the minister consider reimbursing, perhaps through Wintario, the small towns in the province under perhaps 10,000 people for the cost of the engineering studies that have been done? Is the minister aware that for some of the small communities and the privately owned non-profit arenas the very cost of the engineering costs has added an economic hardship on these places?

Hon. B. Stephenson: As I'm sure the hon. member for Rainy River is aware, the requirement to obtain the engineering studies has been known to each of these arena owners for the last six years.

Mr. Reid: They don't have the money.

Hon. B. Stephenson: I think it's entirely possible that they might have budgeted over those six years for the cost of providing the service. It is indeed the responsibility of the community under the Act to engage the engineer and to reimburse the engineer. If the member is looking for extra funds to do this, I will most certainly inquire of the Minister of Culture and Recreation (Mr. Welch) whether he might ask Wintario to consider this activity.

Mr. Deans: I perhaps don't understand this, but have the recommendations made by the three or four engineering firms that the minister is speaking of, received the approval of the Ministry of Labour in terms of the appropriateness and safety of the arenas that are in question?

Hon. B. Stephenson: I did not say that.

Mr. Deans: I did not say she did.

Hon. B. Stephenson: I said that the suggestion had been made to the ministry and it's being reviewed at this time by the construction safety branch. At the same time, I believe that at least one of these engineering consulting firms has informed many of the arena owners of the idea as well, and I think they are considering it.

TUITION FEES

Mr. Warner: I have a question for the Minister of Colleges and Universities. Will the government continue to reveal policy and political decisions via the Toronto Sun, or will the House be formally advised about tuition fee increases before National Students Day, which is next Tuesday?

Hon. Mr. Parrott: I would have thought that question would have been more appropriately addressed to the editor of the Toronto Sun.

Mr. Lewis: His hands are full of the Scientologists. Let the minister answer the question.

Mr. Ruston: Ask Claire Hoy.

Mr. Speaker: Order, please. Is there a supplementary?

Mr. Warner: Yes. I would like to know if the minister is going to continue to hide until after National Students Day, or will he make a statement today as to what the fee increases will be?

Hon. Mr. Parrott: I would think that the member for Scarborough-Ellesmere would agree with me that perhaps I've been as visible on campus as he has been, and I know that's been considerable. If it comes to the hours in the bear pit, I think I've set a record, and I'm pleased to do so.

Mr. Lewis: No, you're wrong.

Mr. Reid: The score is Christians 100; bears 0.

Hon. Mr. Parrott: It's a part of being the Minister of Colleges and Universities and I'll continue to address myself to the problems of the students. Let me assure the member that we are hiding behind no one. When the final decision is possible, and I'm working at that as actively as I possibly can at this time, I will make an announcement in this House, which seems to me the appropriate place to announce government policy.

Mr. Cassidy: You will delay it until after Students Day.

WASTE RECOVERY

Mr. Reed: Mr. Speaker, I have a question for the Minister of the Environment. Upon confirmation of reports that traces of the potentially dangerous chemical Mirex are seeping into the Credit River from landfill sites beside the river, would the minister now be prepared to raise substantially his ministry's priorities on the development of 100 per cent solid waste recovery systems and would he be prepared to facilitate a commitment by Halton region towards solid waste recovery through an increase in assistance for such a project?

Hon. Mr. Kerr: Mr. Speaker, as I've indicated before in the House, the region of Halton has made an application for a resource recovery plant as one of three proposals. We have replied to that and indicated the various costs involved in the different types of plant. We have indicated that if they want to go ahead with either one of the three, we would be prepared to do the necessary design and finance the plant under our present arrangements.

Present arrangements are that we will pay the full capital cost of that plant and charge back 50 per cent over a 40-year amortization period. The region would be required to provide the site for the plant. We think that is an attractive enough proposition for municipalities to get into the resource reclamation field rather than relying entirely on landfill sites. The cost of land in establishing landfill sites and the objections from various groups make the proposal of reclamation plants even more attractive now.

Mr. Reed: Supplementary: Regarding the chemical Mirex and its reported possibility of seepage into the Credit River, can the minister give the House a status report on his investigations at the present time?

Hon. Mr. Kerr: It's rather ironical that the hon. member would tie in the news report

regarding the plant in Georgetown and the necessity for a sanitary landfill site. As far as we're concerned, there isn't a problem from the disposal of Mirex in the Georgetown area. The concern mentioned by a Mr. Johnston really isn't a legitimate concern.

First of all, it isn't Mirex; it's Dechlorane, which is a plasticizer rather than a pesticide. We're not aware that the company has been dumping the residue of that particular chemical at a sanitary landfill site. However, because of the concern expressed by Mr. Johnston, we are, in fact, monitoring that landfill site to make sure that there isn't any leaching of any kind into the Credit River. We're quite sure there isn't.

If there's any problem, it would be from the effluent that might come from the plant in its sewage disposal. But certainly we're monitoring any waste that may have been disposed of by the company to see if, in fact, Dechlorane may be in some way affecting fish life.

Mr. Lewis: A brief supplementary, if I may: Since we know, from the scientific community, the possible consequences of Dechlorane and its relationship with potential cancer, why is Dechlorane Plus being used now in Ontario on the same chemical base, I understand, without a careful investigation by the ministry of the composition of the toxic compound?

Hon. Mr. Kerr: My understanding is that where Dechlorane Plus is used—and it is used in very small quantities, probably by about three different companies—

Mr. Lewis: It doesn't take much.

Hon. Mr. Kerr: —it does not, in fact, have the same deleterious effects on fish. It does not have the same chemical compounds that have caused the problem in fish life. That's the information that I'm getting.

Mr. Lewis: Has the ministry investigated?

Hon. Mr. Kerr: Yes. Our people are investigating and that is the information I'm getting.

TORONTO REFINERS AND SMELTERS LIMITED

Mr. McClellan: Mr. Speaker, I have a question for the Minister of the Environment with respect to the clean-up programme at Toronto Refiners and Smelters. Could the minister explain what is the sense or purpose of the current soil replacement programme in the Niagara area undertaken by Ontario Hy-

dro, when, No. 1, successive delays in pollution abatement enforcement means that the companies are still polluting unchecked in the area; No. 2, backup emission control devices are still not required of the company; and No. 3, and perhaps most inexplicable, the soil replacement involves only residual properties and leaves untouched a number of non-residential lots which are highly contaminated and are themselves a source of further lead contamination?

[10:30]

Hon. Mr. Kerr: Mr. Speaker, the lead companies are all under control orders.

Mr. McClellan: Buildings are not.

Hon. Mr. Kerr: Since the discovery of lead emissions in that area, I believe about three years ago, the companies have been required to install certain types of abatement equipment, emission control equipment. They are onstream as far as their timetable is concerned.

Only Toronto Lead—and the member read about a stack in an article this week—is having problems meeting a deadline for a stack because of the 45-feet by-law as well as getting the necessary material. These companies are on a timetable.

There are two factors here we're dealing with. One is treating the emissions, cleaning up the emissions, reducing the contamination from emissions and at the same time there is the question of replacing the contaminated soil.

There's a committee, as the member knows; I believe it had a meeting last night. There's another one on November 25 at which time there'll be a public meeting, indicating the number of properties which are affected, which will be cleaned up and when it will be done. It has to be done at a time when the property and the shrubbery won't be disturbed or gardens won't be disturbed; sometime in the early spring. That will be done.

The list of homes would be, I would think, a first step. The concern is residential properties. I'm not sure if we should clean up industrial or commercial properties and public thoroughfares—that may be a very expensive proposition. At least we're dealing with the residential properties in light of the recommendation of the task force on the lead hearings.

Mr. McClellan: By way of a supplementary: Can the minister guarantee that there will be no more delays granted to the company in installing pollution abatement equipment? No. 2, surely, if we're going to replace soil,

we should replace all contaminated soil because contaminated soil is itself a source of further contamination.

Mr. Speaker: Is that a question or a debate?

Hon. Mr. Kerr: There will be no further delays as far as the Toronto Refiners and Smelters Limited is concerned. The end of January next year is the final change in the compliance date.

The concern expressed by the task force as a result of these lead hearings was that in some way people could be contaminated by putting their hands in the soil and getting it close to their mouths in some way. That's why the concern was directed strictly to residential property, particularly as it affects children, for example.

There wasn't any recommendation regarding commercial or industrial property. The soil has to contaminate an individual directly in some way and it has to be a rather substantial amount. However, I'm not precluding that that won't be considered. That's the reason we have this committee. It may very well go beyond the recommendations of the report.

TELEPHONE RATES

Mr. Sargent: Mr. Speaker, I have a question of the Minister of Transportation and Communications; probably this should have gone to the Minister of Consumer and Commercial Relations.

Regarding the Ontario Telephone Service Commission, in view of the fact that the pending application for rate increases could cost Ontario phone users about a half a billion dollars in this current increase, why are the 40 independent telephone systems in Ontario under the ministry forced to go through public hearings for rate increases? There are 4.8 million or five million phone users in Ontario with Bell, which has an exclusive franchise but doesn't have to go through hearings under the ministry. Why is that? And does the minister plan to operate it properly and hold a public hearing for these increases?

Hon. Mr. Snow: First of all, Mr. Speaker, there are two methods of regulating the telephone industry in Canada; one is under provincial regulation and one is under federal regulation. In Ontario there are 39 independent telephone companies, three or four of which are Bell subsidiaries, but they are totally operated within the confines of the province of Ontario and come under regula-

tion of the Ontario Telephone Services Commission.

Bell operates in both Ontario and Quebec and comes under the regulation of the federal body. They have to make their application for rate increases and prove the necessity of those rate increases to the federal regulating authority, the same as the independent telephone companies within Ontario make their representations to the Ontario Telephone Services Commission.

The Ontario Telephone Services Commission has no jurisdiction over Bell as it is regulated federally. The only input we have is by making representations on behalf of the people of Ontario before the federal regulating body, which we will be doing.

Mr. Sargent: Supplementary: The report says that Bell has an exclusive franchise from the government, and it isn't very meaningful if the exclusive franchise means we cannot rule on the increases.

Mr. Speaker: Is there a question?

Mr. Sargent: Yes, sir. The question is then, what does the exclusive franchise mean? It is not meaningful, is it, if we can't rule on their increases or control their prices?

Hon. Mr. Snow: I think I have explained as fully as possible, Mr. Speaker. The regulation of Bell comes under the federal minister and the commission, and the federal minister, Madame Sauve, has made it very plain that she has no intention of giving up the regulatory powers over Bell Canada.

DRUGS MAGAZINE

Mr. Swart: My question is to the Attorney General. Has he given any consideration to any action against a magazine which is wholly devoted to the promotion of drug use, including hard drugs, which is openly displayed and freely available in this province to anybody who wants to buy it? It's an American magazine that now proudly says that it is a monthly publication, and it's appropriately called "High Times."

Hon. Mr. McMurtry: Mr. Speaker, I am aware of the publication and it offends, to my knowledge, no provision of the Criminal Code of Canada.

Mr. Lewis: It should.

Hon. Mr. McMurtry: Would you let me finish please? Thank you. But in view of the

fact that the narcotic control legislation is a matter of federal jurisdiction and as the federal Minister of Justice looks after most of these prosecutions, I have written to the federal Minister of Justice drawing this publication to his attention. I have yet to hear back from him. As a matter of fact, my colleague, the member for York West (Mr. Leluk), brought it to my attention some weeks ago, expressing similar concern. I share the concern of the member for Welland-Thorold and, as I say, we will continue to press the federal government, which does have responsibilities in this area, to see what can be done.

Mr. Swart: May I have a supplementary, Mr. Speaker? Would the Attorney General be willing to give the House his opinion on the legality of the advertising in that magazine where they advertise a formula for home-made highs, as they call it, and which also said that they have practical methods to make your own LSD, your own cocaine and 99.7 per cent pure methamphetamines? Could he tell us whether this advertising is legal or whether in fact it may contravene the regulations, if not of his ministry, then those of the Ministry of Consumer and Commercial Relations?

Hon. Mr. McMurtry: I can't give the hon. member a specific legal opinion now. We know of no legislation that it offends, although I agree it is most offensive. I will try to report to the House much more fully on Monday. I've had some people in the ministry looking at it and, as I say, perhaps I'll be able to respond to the member more fully at the beginning of the week.

Mr. Deans: Supplementary: Is there no legislation in the province of Ontario and doesn't the province of Ontario have the jurisdiction to impose legislation to require that books such as this not be sold in the province of Ontario?

Hon. Mr. McMurtry: It is a very difficult constitutional problem. You can attempt to control the distribution of magazines such as this through licensing legislation. But from experience in the courts in the past, if the effect of the legislation is really to legislate matters that are of a criminal law nature, then of course the legislation will simply be struck down as unconstitutional. When you get into legislation in relation to morality, you really are dealing with the criminal law. As I say, this is why I believe that there is a very real responsibility on the federal govern-

ment because in my view this comes within their constitutional jurisdiction.

POST-SECONDARY EDUCATION COSTS

Mr. Sweeney: I have a question of the Premier; I'd like to come back to the issue of post-secondary tuition fees. A week ago I asked the Minister of Colleges and Universities the rationale for these. I didn't ask for the figures, but just the rationale. It would appear that in the interval the Premier intervened for what would appear to be political expediency reasons. If that is not the case, then I would come back again and ask what is the rationale to be upon which such decisions are to be made? If it isn't political expediency, what is it?

Mr. Eakins: Deny it.

Hon. Mr. Davis: I'm very intrigued just how this came about, and I don't want to be misunderstood by reporters from Toronto's other important morning newspaper. I read certain reports as to what might be a proposed fee increase if in fact it were to happen. I read another report where the Premier is reported to have intervened and said to his cabinet colleagues, "No, the fees will be something other than that which was initially reported." I understand that the member for Kitchener-Wilmot is still not totally experienced—I guess none of us are—but I have one word of advice for him—

Mr. Ruston: Claire Hoy must have bugged you.

Hon. Mr. Davis: I read very carefully all the publications in this province, including the newspapers, and I'm guided by them from time to time, but I can understand why it's impossible for all of us to always be right. I have to say to the hon. member that the report in the paper that the Premier had intervened is just not factually correct.

Mr. Lewis: What, in the Sun?

Hon. Mr. Davis: Now does that help the member?

Mr. Sweeney: Mr. Speaker, I don't believe the question has been answered.

Hon. Mr. Davis: Can I help the member a little more? The budgetary decisions have not been finalized. There has been no final decision with respect to a number of matters. The question of a possible increase in tuition fees has not been finally determined. Does that help him?

Mr. Warner: Including political decisions.

Mr. Sweeney: Supplementary, just one: Can we be assured that if there is an increase in fees, there would also be a corresponding increase in the grants and loans for those students who need it?

Hon. Mr. Davis: Can I say to the hon. member, because I know he is genuinely interested in this subject, and since I have had some slight involvement with this over a period of years, there was a fee increase, I guess, about four years ago, if memory serves me correctly.

Mr. Nixon: Right after the election, it was 1972.

[10:45]

Hon. Mr. Davis: There were fee increases prior to that, spread over a period of time. The present average fee in this province is in the neighbourhood, I guess, of \$650. The probable average cost is in the neighbourhood of \$4,600. The percentage of tuition fee related to cost four years ago was probably in the neighbourhood of 26 per cent or 27 per cent. Today it is down to around 16 per cent or 17 per cent.

Any rationale, of course, is obvious. If there were to be a fee increase, it reflects the cost increases in education generally. I would point to the hon. member that the student award programme in this province is the most comprehensive, the fairest, the most generous—

Mr. Reid: Poorly administered.

Mr. Speaker: Order, please.

Hon. Mr. Davis: —anywhere in Canada and that includes the great provinces of Manitoba and Saskatchewan and any other one the member wishes to compare it with. It is superior to any student award programme in the United States of America—

Mr. Ruston: We have heard that before.

Hon. Mr. Davis: —or in western Europe. I can be very expansive today because I know a little bit about it.

Interjections.

Hon. Mr. Davis: That doesn't mean I know all about it—

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Davis: —but I know a little bit about it. I can assure the hon. member—

Interjections.

Mr. Speaker: Order.

Hon. Mr. Davis: —that this government—
Interjections.

Mr. Speaker: Order.

Mr. Lewis: May I assure the Premier that he is expansive even when he knows nothing about it.

Hon. Mr. Davis: Listen, like the Leader of the Opposition, there are some subjects about which I know nothing—

Mr. Speaker: Order, please. Can we have fewer interjections?

Hon. Mr. Davis: —subjects about which I have to reserve comment. I learned that from him.

Mr. Ruston: Order.

Hon. Mr. Davis: He really doesn't know a balsam from a jack pine. There is no question about that.

Mr. Swart: He knows a barren forest.

Hon. Mr. Davis: I would challenge a lot of the members to tell me the difference.

Mr. Speaker: Order, please. We are wasting time.

Hon. Mr. Davis: If there were to be an increase, certainly consideration would be given because it has been a very basic policy of this government to assist those students who genuinely need assistance in the post-secondary institutions.

ITALIAN COURSES IN SCHOOL

Mr. Grande: Mr. Speaker, my question is to the Minister of Education. Would he assure the families and the separate school board that adequate funds will be forthcoming from his ministry for Italian language courses rather than relying upon the Italian government to subsidize them?

Hon. Mr. Wells: Mr. Speaker, I would be happy to assure the hon. member that I will be carrying on discussions with the Metropolitan Separate School Board with the aim of assuring that no Italian family in this city, in Metropolitan Toronto, is jeopardized and that the kind of programmes they want and which can be proved to be educationally beneficial will come about.

LIE DETECTOR TESTS

Mr. B. Newman: Mr. Speaker, I have a question of the Attorney General: Has the Attorney General arrived at some policy concerning the use of lie detectors? The question is a follow-up of the one I asked him earlier this year.

Hon. Mr. McMurtry: Mr. Speaker, a proposal in this area is being developed within my ministry and I expect to be able to report to the House in relation to this proposal in the relatively near future.

Mr. Ferris: This would be a good place to test it.

CONDOMINIUM HOME OWNERSHIP

Mr. Cassidy: Mr. Speaker, a question of the Minister of Consumer and Commercial Relations: Given that the government could have appointed a committee of condominium owners, of people from the industry and of people from municipal as well as provincial governments to advise on condominium problems; or given that the minister could have taken the proposal of the member for York West (Mr. Leluk) for a select committee on condominium problems; can he explain why the government has chosen a narrowly-based and secretive in-house inquiry into condominium problems in which condominium corporations will only be able to provide input and not to participate?

Hon. Mr. Handleman: Mr. Speaker, I think the statement indicates quite clearly that the process will be open. There will be a provincial conference at which all aspects of condominium ownership will be discussed; the condominium owners will be able to provide input, as well as other sectors in society who have an interest in this.

There is no suggestion whatsoever in the statement that it will be a secret in-house type of review. Obviously there must be some expertise from those people who are dealing with the problem on a daily basis and that will be the core group of the people who will receive input from everyone in the whole sphere of condominium ownership.

Mr. Cassidy: Is the minister prepared to allow condominium owners to participate in the inquiry rather than simply submit briefs to it?

Hon. Mr. Handleman: Mr. Speaker, I made it quite clear that they will be participating

on an almost daily basis. At the present time there are—I don't know how many condominium corporations there are in Ontario and there is not a single association to speak for them. One of the things we hope will evolve will be a single voice to speak for condominium owners in this province.

Mr. Reid: Mr. Speaker, I have a question for the—

Mr. Philip: A supplementary, Mr. Speaker—

Mr. Speaker: I am sorry. I thought it was a new question. The member for Etobicoke.

Mr. Philip: The minister's statement mentions a number of areas which the committee will be instructed to look at but it doesn't mention the problem of double taxation which condominium owners face in the sense that they pay doubly to have their snow removed, to have their access roads maintained and so forth. Will the minister instruct the committee to bring back recommendations on this problem?

Hon. Mr. Handleman: Mr. Speaker, I don't think the hon. member read the statement at all. One of the points that is mentioned quite clearly is the deficiencies in municipal services. I don't know how much clearer we could be. We are not instructing the committee on what to look into. These are a number of points which we are suggesting. They are certainly not limited to those points. Certainly with the Ministry of Revenue being involved in the study, I don't know how the hon. member could come to any other conclusion than we are looking at taxation as well as the other problems involved.

Mr. Ruston: Really botched it up.

KRAUSS-MAFFEI

Mr. Reid: Mr. Speaker, I have a question for the Minister of Transportation and Communications in regard to the 1975 corporate report of the Urban Transportation Development Corporation Limited, part of which has been asked—

Mr. Renwick: This was the Leader of the Opposition's question.

Mr. Reid: Well, he is not the only fount of all wisdom and knowledge in this place, although he may believe so.

Mr. MacDonald: Don't be self-conscious.

Mr. Reid: On page 16 of this report, under the total expenses, there is a provision called

"operating loss before write-off of Krauss-Maffei licence" of \$850,434 for 1975 and \$497,346 in 1974, as well as a "write-off of Krauss-Maffei licence" of \$5,122,023. Can the minister explain, first of all, what is involved in the operating loss before the write-off? Is that, in fact, dollars that have been lost to the province of Ontario and therefore a contradiction of the answer we have had from the Premier that the loss was in the neighbourhood of a few thousand? And can the minister explain what the write-off loss of \$5 million is for the licence?

Hon. Mr. Snow: First, Mr. Speaker, the operating loss of \$850,000 for the year is for the total operation of the Urban Transportation Development Corporation. It has nothing to do with figures that have been previously supplied to this House relating to the cost involved and the recoveries made from Krauss-Maffei.

Mr. Reid: No. It says, "operating loss before write-off of Krauss-Maffei licence."

Mr. Speaker: Order, please. I think the question has been asked. We are just about out of time.

Hon. Mr. Snow: Mr. Speaker, that is exactly what I am saying. It is the operating loss of the corporation and has nothing to do with the Krauss-Maffei licence.

Mr. Lewis: But what about the \$5 million?

Mr. Reid: Why doesn't it say that in the report?

Hon. Mr. Snow: It does. If the hon. member looks at the report, he will see that the total operating loss for the year is quoted at \$5,972,457.

Mr. Ruston: Fix up the books for him, Marvin.

Hon. Mr. Snow: The \$5.1 million is the write-off of the Krauss-Maffei licence.

Mr. Sargent: You'd better show the Treasurer how you do that.

Mr. Ruston: He doesn't have to show him anything. He already knows. That's cash flow.

Hon. Mr. Snow: If we go back a few years, the first arrangements with Krauss-Maffei were entered into by the ministry prior to the establishment of the Ontario Transportation Development Corporation, or the later replacement corporation, the Urban Transportation Development Corporation. The licence was granted to the government of

Ontario. The licence was then transferred to the Ontario Transportation Development Corporation when that corporation was set up. The government purchased shares in UTDC—two million shares at \$3 per share, for \$6 million—and transferred the licence, which had no cost to the government, to the corporation for 1.7 million shares, which meant an established value of roughly \$5.1 million for that licence. When the Krauss-Maffei arrangement was cancelled and terminated, and the government received some \$9 million from Krauss-Maffei for the cancellation of that arrangement, then of course there was no licence in existence at that time and UTDC could not carry that licence on their books for the \$5.1 million.

Mr. Lewis: That is a direct loss of \$5 million.

Hon. Mr. Snow: No.

Mr. Speaker: Order.

Mr. Lewis: You have just written it down, and it contradicts the statement of November 13, 1974.

Hon. Mr. Davis: Believe me, you are wrong.

Mr. Speaker: Order. Is there a further answer from the hon. minister?

Hon. Mr. Snow: Would you please let me explain?

Mr. Reid: You're just shifting figures back and forth.

Mr. Speaker: Order, please. If you wish the hon. minister to complete his answer, fine; let's have fewer interjections.

Mr. Sargent: Tell him to sit down.

Hon. Mr. Snow: Mr. Speaker, the agreement or the possession of the licence by UTDC, for which they had issued 1.7 million shares, was cancelled; the 1.7 million shares which they had issued to the government of Ontario for the licence were returned to the corporation.

Mr. Renwick: Was \$5 million returned to the corporation?

Mr. Lewis: It was \$5 million worth.

Hon. Mr. Snow: But \$5 million had never been paid for the shares—

Mr. Renwick: You valued them at \$5 million.

Mr. Lewis: You valued it at \$5 million in your books. Now you refuse to look at it.

Hon. Mr. Snow: I can understand the Leader of the Opposition—

Mr. Speaker: Order, please. We're well over the time of the expiry of the question period—

Hon. Mr. Snow: Do they want the answer or not, Mr. Speaker?

Mr. Speaker: That's what we're trying to find out. We always allow the hon. minister to complete the answer but with fewer interjections we can wind this up. Is there anything further to add? Please ignore the interjections.

Hon. Mr. Davis: You know why you can't read a balance sheet? You don't believe in balance sheets. I understand. I sympathize.

Mr. Warner: What is \$5 million?

Hon. Mr. Snow: Mr. Speaker, I can understand the hon. Leader of the Opposition—

Mr. Lewis: That is \$9 million in the hole.

Mr. Speaker: Order. Obviously the answer is not desirable.

Mr. Nixon: Neither is the minister.

Interjections.

Hon. Mr. Snow: Mr. Speaker, on a point of order.

Mr. Speaker: May I correct one word first? That was desired, not desirable. Is there a quick finale to this?

Hon. Mr. Snow: Yes, Mr. Speaker. I would have had it finished long ago because the Leader of the Opposition can't understand a balance sheet.

Mr. Ruston: That is not his question.

Mr. Speaker: Order, please.

Hon. Mr. Snow: But the member to his left should be able to understand a balance sheet.

Mr. Speaker: You are not answering the hon. member's question.

Hon. Mr. Snow: The member, whom I have some regard for, should be able to understand.

Mr. Breithaupt: Which one is that?

Hon. Mr. Snow: When the corporation was set up a value was established on an asset called a licence; it's similar to setting up a corporation. I'm sure the member has set up—

Mr. Renwick: You put a \$5 million tab on it.

Hon. Mr. Snow:—hundreds of corporations in his day when he established a value for goodwill.

Mr. Lewis: Oh—\$5 million for goodwill.

Hon. Mr. Snow: For which nothing was paid.

Mr. Speaker: Order, please.

Mr. Reid: Was the money transferred?

Mr. Lewis: No.

Mr. Speaker: Order, please. I think that if you study Hansard you might get the answer. The oral question period has expired.

POINT OF ORDER

Mr. Lewis: Mr. Speaker, on a point of order.

Mr. Speaker: Do you have a legitimate point of order?

Mr. Lewis: Yes, I think I do. I wouldn't raise it if I didn't think it were legitimate.

Hon. Mr. Davis: You most certainly would.

Mr. Ruston: That is a matter of opinion.

Mr. Lewis: On a point of order, I fear, and I'll just take a second, that the minister is inadvertently misleading the House by suggesting that—

Hon. Mr. McKeough: Nonsense.

Mr. Lewis: I said, inadvertently, the price tag of over \$5 million which was written into the books is applicable to goodwill. The explanation which accompanies the report says, and I quote: "The existing technological information in the possession of the company was returned to Krauss-Maffei. In view of the foregoing, related licence costs of \$5,122,000 have been written off in the current year." He lost the value of over \$5 million and contradicted his undertaking to the assembly on November 13, 1974, that this valuable asset is available to Ontario without cost.

Hon. Mr. Snow: That is not correct, Mr. Speaker.

Mr. Reid: It is. You said we would keep the technology besides.

Mr. Speaker: That, really, I think, was more a debating point than a difference of opinion as to interpretation.

Mr. Lewis: I think you may be right and I wouldn't try it again.

Mr. Speaker: That's a promise I'll hold you to.

Petitions.

Presenting reports.

REPORTS

Hon. Mr. Auld presented the annual report of the Civil Service Commission for 1975-76.

Mr. Speaker: Motions.

Introduction of bills.

Hon. Mr. Welch: Mr. Speaker, before calling the orders for today, it's usual that the work for next week is announced at the end of the day but we don't usually have as many in the House at that time as we have now so perhaps we might indicate that next week, on Monday, we'll take into consideration second readings of Bills 134, 155 and 156. If there is time before 5 o'clock, after that work, we'll then go back to the municipal bill which we started last night. There is no session Monday evening.

[11:00]

On Tuesday, we will take order No. 28 into consideration, that is carrying on the debate on the final report of the select committee inquiring into Hydro's proposed bulk power rates.

I should interrupt myself by saying 5 p.m. to 6 p.m. on Monday, of course, is private members' hour and there has been some agreement to do three things together during that hour on Monday: I think it's Bills 57 and 58, and some resolution dealing with a like subject, the whole area of condominiums; that's on Monday during the private members' hour.

On Tuesday, after we've completed order 28, the select committee report, then we'll go back to legislation; and on Wednesday it will be budget debate.

For today we'll call order No. 5.

BUDGET DEBATE

(continued)

Resumption of the adjourned debate on the amendment to the motion that this House

approves in general the budgetary policy of the government.

Mr. Ziemba: Thank you, Mr. Speaker. On October 29 the *Globe* reported: "Carleton MDs Decry Student Beer Intake." I'm going to quote it:

"Carleton University students last year collectively imbibed 1.3 million pints of beer in the eight campus pubs, a situation the university's doctors find alarming. Ron Mertons, manager of a campus watering hole known as The Pub, says his patrons annually hoist about 38 gallons of beer each, compared to a national average of 18 gallons a person. Total sales this year are expected to reach \$690,000, more than double the \$316,000 Carleton students spent on beer in 1974, he added."

That news item, Mr. Speaker, brings me to my point. Ontario's venture into "civilized drinking" has failed and this government must recognize that fact. It has been a poorly planned slide into increasing drunkenness, a policy that costs taxpayers \$3 to repair the damage for every \$1 of liquor revenue the government of Ontario receives.

I'm sure many of you know that I have personal reasons for being a salesman for liquor control, but don't dismiss my arguments on that account. I have the facts to back up my emotional and political commitment.

Coming from west Toronto, the only dry area in Metropolitan Toronto, with a proud history of involvement in the temperance movement, I'd like to ask what's wrong with prohibition? I know it's bad bad press, mainly as a result of American TV shows, but the fact remains that under prohibition, Canadian prohibition, deaths from cirrhosis of the liver dropped 30 per cent.

Today, under "civilized drinking," our hospital costs in 1974-75 for alcoholism were \$137.3 million and that doesn't include doctors' fees. Our mental health costs were \$151,055,329. It should be noted that these figures do not include police budgets or costs of traffic accidents, loss of productivity in industry and the costs involved in the social and economic disintegration of an alcoholic and his family.

Alcohol was implicated in 33 per cent of the murders in this province, 38 per cent of the attempted murders, 54 per cent of the manslaughters, 39 per cent of the rapes, 42 per cent of other sexual offences and 61 per cent of the assaults.

The dollar cost of alcohol-related collisions in Ontario in 1974 was approximately \$130 million. An estimated annual dollar loss in

Canadian industry due to alcoholism is one quarter of a billion dollars.

Altogether, the total estimated annual cost of alcoholism in Canada would be \$982,700,000.

As for the tragic connection between teenage drinkers and driving fatalities, I have detailed that already in this House.

This is an impressive record, Mr. Speaker, and we can expect it to become even more impressive. The figures from France, a country which represents the ultimate in "civilized drinking" are well known. Forty per cent of their medical costs are the result of alcohol related diseases and 50 per cent of their hospital beds are taken up by drinkers. That is one out of every two beds.

Child alcoholics are no rarity, and we're beginning to see that here. Speak to workers in the child welfare field and ask them how many 13-year-olds they know of who drink to access.

What do the people of Ontario get in return for this encouragement of the liquor industry? We have our sports heavily subsidized by liquor. It's no secret that Carling has a large financial interest in the Argonauts; that the Blue Jays, Toronto's new baseball team, are owned by Labatt; that Molson are into hockey and that 35 per cent of sports broadcasting is sponsored by the breweries. The advertising from the liquor industry is supposed to be keeping many advertising agencies and publications afloat financially.

The government of Ontario also receives revenues from the sales of liquor, and that's why this is a speech to the budget. In 1970, total sales of spirits, beer and wine in Ontario were \$647,450,000 and the provincial government received \$93,233,000 in revenue. In 1973-74, our consumption was up 11.2 per cent, to a dollar value of \$965 million; and Ontario's profit was up to \$280 million. Figures from the Addiction Research Foundation demonstrate that 40 per cent of liquor sales come from that segment of drinkers who are defined as hazardous drinkers, those who are drinking enough to damage themselves physically.

I would like to ask what are the moral and the ethical questions involved in revenue from alcohol addicts? How can it be justified? It can't even be justified on financial grounds. The cost of heavy drinking to Ontario taxpayers far outweighs this blood money we get from people who are killing themselves and others with heavy drinking.

Does the government have any answer to the problem of alcohol use in Ontario today?

A feeble advertising campaign; more liquor outlets; fewer restrictions.

I would like to remind the members of this Legislature that the freedom from taverns we have enjoyed in west Toronto for the last 73 years is available to any district under the local option section of The Liquor Licence Act. Any district now wet is at liberty to reduce its alcohol problems with a 60 per cent vote in favour of temperance. I understand the Inuit community of Frobisher Bay is the first in Canada to turn its back on "civilized" drinking. They voted in increased restrictions and are very pleased with the results.

I know how unfashionable it has become to oppose our new liberalized drinking laws. The majority of drinkers are moderate drinkers, and unaware or unwilling to face the results of their demand for easy access to liquor. Right now, one out of 10 drinkers becomes an alcoholic. Do we have to wait until every family has an alcoholic member before temperance sentiment becomes acceptable again? We drink more in Ontario than in most of the rest of Canada, and Canadians drink more than Americans or Britons. As per capita consumption increases, so does the number of alcoholics and heavy drinkers.

I would like to see another temperance movement in this province bringing the unsavoury facts about our drinking habits today home to every person in Ontario. I would like to see liquor outlets reduced, to see liquor cost more, to see the drinking age moved up, and to see drinkers pay more for their insurance and more for their drinks—to the point where non-drinkers are not subsidizing the true costs of drinking.

I plead with this government to reverse our liquor policy before the economic role of the liquor industry in this province becomes irreversibly entrenched as it has in France; before our toll of alcoholic death and destruction, already horrifying enough, reaches the epidemic levels it has in France. To any member of this House who remains unconvinced by my figures and puts me down as a killjoy, I recommend a pamphlet recently released by the Addiction Research Foundation here in Toronto, entitled *Toward Saturation—In Search of Control; Alcohol Use in Ontario in the Mid-1970s*.

Thank you, Mr. Speaker.

Mr. Sweeney: The response to the budget is slowly drawing to a close, Mr. Speaker, and I am reasonably sure that most of the very important issues have been raised at one time or another. I want to touch on a few

which are of concern to me and which perhaps haven't been gone into in the depth that I would like to see. I propose not to be too long.

I would first of all like to refer to the budget statement itself and to a section which, surprisingly, is headed Restraining Expenditures. I think it draws to our attention one of the fundamental economic problems facing this province right now and that is our deficit and our debt.

I look first of all on page 29 under the heading, Restraining Expenditures, to a circle diagram headed: How is the Money Spent? The thing that surprises me—and, I must say, infuriates me—is that I note that the debt charges of this province will take up seven per cent of the total budget. Immediately above it, that section of the budget entitled Social Services will also get seven per cent. In other words, what we are saying is that we are spending as much money right now on retiring the debt of this province as we are in providing the very needed social services.

Is it any wonder that the Minister of Community and Social Services (Mr. Taylor) has to go around this province restraining expenditures, according to this title; telling mothers on welfare that they can't get any more help; telling municipalities that they can't get additional help for daycare centres; and all the way down the line when we see that the same number of dollars is spent to retire the debt.

A new look at priorities in this province is certainly needed. I also want to draw your attention, Mr. Speaker, to page 28 of the same section and to the fact that the per capita debt from 1974-75 to 1975-76 increased by almost 50 per cent. In other words, as the result of the economic practices of this government, every man, woman and child in this province is now obligated to a 50 per cent increase in the per capita debt, from \$420 to \$602. The projection for the next coming year, 1976-77, is to increase it by another \$100 to \$708.

Mr. Nixon: Mr. Speaker, on a point of order, I don't see a quorum.

Hon. Mr. MacBeth: That takes everybody out of committee.

Mr. Speaker called for the quorum bell.

On resumption:

[11:15]

Mr. Sweeney: I was drawing to the attention of the House my concern with the debt position of this province and the effect that

debt position has upon our ability to allocate our funds in a better way. The fact is our debt position makes it impossible for us to provide more funds for social services, since at the present time we have to allocate an equal number of dollars for debt service.

I was pointing out that of great concern—or what should be of great concern—to the people of this province is the fact that the per capita debt—the debt that sits on the head of every man, woman and child of this province—increased by 50 per cent from the 1974-75 fiscal year to the 1975-76 fiscal year. It was an increase from \$402 per capita to \$602 per capita.

We note that the projected increase in that same area is going to make it \$708 per capita for the 1976-77 fiscal year; that's another very substantial increase. I would also point out that it has only been during the period of this particular government, this particular ministry, this particular Premier (Mr. Davis) that we have had these very significant increases in our capital debt.

This particular government took over in the 1970-71 fiscal year and we would note that at that time the total net debt of the province was \$1.5 billion. It has increased substantially every single year afterward until now it is up to, or is projected for this coming year to be, \$6 billion, a four-fold increase.

Mr. Nixon: That last year was the last year of John Robarts' premiership. That was the last year we had a surplus.

Mr. Sweeney: The point we're making is that if we have a serious debt problem, a deficit problem, in this province it can be traced directly and only to the present government in power. It cannot be blamed on the previous government.

I notice at the very beginning of the statement on the 1976 budget that the Treasurer (Mr. McKeough) spoke with some manner of pride about some programmes which he introduced in the 1975 fiscal year and which, he said, had so much to do with helping the economy of this province to recover.

He speaks, for example, of the programme by which he reduced the sales tax by two per cent. What he does not say is that that reduced the income of this province by approximately \$340 million and had a great deal to do with the almost \$2 billion deficit we faced that year.

He points with pride to the \$1,500 grant to first-time homeowners but he does not mention that the original projected cost of that grant was in the neighbourhood of \$45

million; that it was quickly revised to \$65 million, and that in the last budget statement we got, it was increased to \$88 million. A couple of days ago in this House, it was pointed out—and the minister did not deny it—that it very likely will cost \$102 million. We add that to the \$340 million.

I think enough has been said in this House over the last couple of days on the rather devastating effect of that programme but I would like to read one sentence from an editorial in the paper in my own area. It points out:

"We are not suggesting that all of the 9,000 or more offenders deliberately set out to take advantage of the scheme." Here's the important one. "Some of them no doubt are as innocent as Mr. Meen has suggested they are and were simply misled by the ambiguities of The Ontario Home Buyers Grant Act under the terms of which the money was distributed."

That has to be the understatement of the year—that they misunderstood and were misled by the ambiguities of the Act. We are still being misled. People are still misunderstanding the ambiguities of that Act.

For example, I had a constituent in my riding who wrote me a letter saying that he was denied the grant because his application arrived here on July 13, 13 days after the so-called cut-off. I phoned the ministry and said, "How would that constituent have known that June 30 was the cut-off date?" It was pointed out to me that the date is not on the application form which the constituent filled out so he couldn't have known from that.

I asked the ministry officials to send me, if they could, a copy of any single advertisement which appeared in any newspaper in this province and which specified that June 30 cut-off date. They said they couldn't do it. In the public advertisements to the people of this province that date wasn't listed.

Where is the date listed? They finally found it. It was in one of their manuals, one of their books, and it was buried in the middle somewhere but that book was not necessarily available to the people who applied. What I am trying to say is in terms of people being misled and misunderstanding yet having to pay the penalty.

In another situation with this grant, two constituents of mine jointly bought a semi-detached home which, at the time they purchased it, was under one ownership. They immediately applied to have it separated. Through no fault of their own—and the ministry was aware of this—it went to, I

think, January 13, 14 or 15 before it was finished and they were denied the grant.

Yet we go on and we see the kinds of people who did get the grant; the kinds of people who deliberately deceived in getting this grant. Yet people who made honest mistakes were denied the grant because of the ambiguities.

This editorial goes on to point out that the whole misguided programme did nothing, of course and this is the key:

"It did nothing to discourage growth of the overblown home cost tree in this province. What it did do, no matter who got the money, was to fertilize the roots by making it easier for home buyers to pay the excessively high prices. It was fertilization that was not needed—\$102 million down the drain."

We go to the third programme of which we heard so much and this was the rebate on new car purchases. It is pointed out in the budget statement that 200,000 rebates were paid but the whole purpose of this programme was to stimulate the auto economy in the province of Ontario and the rebate was paid to Ontario auto purchasers. What the Treasurer (Mr. McKeough) did not point out was that one of the reasons we had a lag in auto sales in the first quarter of that year was because in the United States there was a tremendous drop in sales. It is well known that the majority of the units we produce are sold there and therefore a rebate in Ontario would have nothing to do with that programme whatsoever.

What he also fails to point out is that although they started out by saying it would apply only to cars built in Ontario, very quickly it was brought to his attention that the General Agreement on Tariffs and Trade made it mandatory that it would have to apply to any car sold in this province, and so therefore some calculations have been done. It has been estimated that if we look—first of all, let me go back—at 200,000 rebates, and take the average price of a car at about \$5,000 and take \$350 as the tax you would normally pay, by multiplying \$350 by 200,000 you get \$70 million as the cost of this programme, or very close to that.

Let me go back to the other point. If we take all of those car sales and try to extrapolate—and that is all we can do because I defy anyone to prove it, even the Treasurer—how many new cars were actually built and sold in this province because of this incentive programme, than otherwise would not be, the figure I have heard two or three authorities come up with in the automotive industry it-

self, in the manufacturing segment of the industry and in the sales segment of the industry, was 14,000 units that probably would not have been built and not sold in Ontario otherwise.

If we then take 14,000 units and divide it into \$70 million, which is what the programme cost, we come out at a cost of \$5,000 per unit. In other words, this programme cost us per unit the price of the car. It must have been a pretty expensive programme for this province. I mention that because in the past fiscal year we had a total deficit of \$1.9 billion and almost \$600 million of that was because of these give-away programmes.

Mr. Ruston: It happened to be an election year.

Mr. Sweeney: I would like to make another little observation.

Mr. Nixon: You could have given everybody a new car.

Mr. Sweeney: This is the kind of thing that has gone on before and probably will continue. There is a little observation from a British historian, Alexander Tyler, quite a while back too. He said: "A democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves largesse or gifts from the public treasury. From that moment on, the majority always votes for the candidates promising the most benefits from the public treasury with the result that democracy always collapses over loose fiscal policy."

Mr. Eakins: Did you hear that?

Mr. Sweeney: Democracy can collapse over loose fiscal policy. I would suggest to you, Mr. Speaker, that is precisely what has been happening in this province since this particular ministry took over, and the people of the province are now paying the price. I would strongly suggest it is simply too high a price to pay.

Let me move on to another area. We have had a lot of discussion in this Legislature and a lot of discussion outside the Legislature about health costs in this province. One of the things that I seem to see some agreement on on all sides of this House is that we have to come up with some alternatives, some less costly alternatives. In March of this year I received, as I understand every other member of this House received from the Minister of Health (Mr. F. S. Miller) a statement and a booklet which read: "Attached for your information is a booklet which pulls together all of the prepared public statements and an-

nouncements issued over the last couple of months on constraints in the health field."

There are a couple of rather strange comments in this book. For example, if I can just digress for a second, I am going to quote Mr. Gary Chatfield. But before I do so I want to quote a comment made by the minister himself in this book. He says here: "In a couple of minutes, I am going to ask Gary Chatfield to expand on that general outline. At this point, I am going to interrupt myself to tell you why Gary is particularly well qualified to fill that part of the programme." He goes on to explain why, and I am sure every member has read it. Just let's get the effectiveness of the resource person here. Mr. Chatfield makes this observation: "We must recognize that while an active treatment bed in the hospital today costs an average of \$102.60, the provincial per diem cost for nursing home accommodation is \$12.85, about one-tenth, and the average per visit cost of home care is \$9.50, even less." Mr. Chatfield makes those observations, then he goes on and says: "Despite this, there are few nursing home beds available. We recognize that."

[11:30]

Let's go back to a point that was made by the minister himself in referring to those two much less costly alternatives. It's a rather surprising statement by the minister: "Even in some areas of more economical alternative care services, such as home care, there can be no expansion." That doesn't make any sense. How can we have Mr. Chatfield, whom the minister says is well qualified to comment, point out to us that an alternative like home care costs \$9.50 a day compared to \$102 a day for hospital care, and yet the minister says there can be no expansion, even though he recognizes it is more economical?

To go on, the minister says: "In addition, there will be no approval for further nursing home beds, or any increase in the amount of money to be spent on research and demonstration model projects," which can prove more efficient ways of dealing with it.

We have the ministry itself saying that it's more costly to keep people in the hospital, by a very wide margin; that they know they can have more economical ways of dealing with the problem; and yet they're not going to do anything about it. It's pretty hard to understand what they mean by restraint. It doesn't make sense at all.

While we're on the topic of health, I would like to bring up another point—and I have mentioned it briefly in this House before—and that's my concern with the increase in abortions in this province. I fully appreciate that the legislation dealing with abortion is a federal matter. I fully appreciate that there is a study going on at the federal level right now to re-examine it. The point I want to speak to is the administration of that legislation, which does fall under the provincial government.

Let me sketch a scenario which was explained to me by a doctor in the city of Cambridge. He was walking down the hospital corridors with a colleague, and they stopped in front of an office door. The colleague said: "Excuse me a minute, I have to step inside and do something." They both walked in and the colleague sat down at a desk. There was a pile of papers, one overlapping the other like shingles, laid out on the desk. This doctor commenced to attach his signature to each paper in turn, without even reading them; he just put his signature on. The other doctor was somewhat curious and said: "What are you doing?" He said: "Oh, I'm part of this hospital's abortion approval committee, and they need my signature on these approvals."

Mr. Speaker, I don't know how common that practice is, I honestly don't, but that's a true statement. I sketched it as a scenario but that happened.

What I'm saying is that the very fact it could even happen once, even if it only happened once—and I think I'd be stretching the imagination of every member in this House to suggest that it did happen only once—indicates to me that while we have got a law on the books of this country to be administered by this province, its administration in the way in which I have described it is an absolute farce. Not only is it a farce, but I would go so far as to say it's illegal, if it could be proven. I'm not quite sure how I'd do it, but it would be illegal. It is of great concern to me personally, and, I would suggest, to a fairly sizable number of people in this province, that that kind of thing can occur, that our attitude towards life, the right to life, the most basic right of all, should be abused in this way.

Just a short while ago a letter to the editor appeared in our local newspaper which drove this fact home to me more clearly than I've ever had it driven home before. I've seen all the arguments pro and con, the pro-abortion people and the anti-abortion people, and I

feel that it's justified in putting it here because it's provincial funds that are providing the possibility to do this. It is part of our budget debate. That letter commented on the fact that the committee was now sitting in Ottawa and probably would relax the abortion laws in this province and could very likely have us end up with abortion on demand. The writer—and surprisingly enough it was a man, from the way he signed it anyway—went on to say: "Why don't we take the logical next step? Why don't we introduce legislation permitting discretionary quietus?" Discretionary quietus. Now, I'd never heard the term before and had no idea what it was. But the writer went on to explain what he meant by it. He said: "If we can destroy a human being prior to birth, why can't we have the discretionary power to allow the baby to be born and to live for, let's say, one year, for the parents then to have the discretion to decide whether or not, like a dog in the pound, it could be quietly put away?" Quietly put away, because it was not convenient for the parents to keep it, or it may have been decided by that time that this child had a physical or mental deformity and therefore would be a burden on society.

All I'm trying to say is that, with as much horror as I view that kind of suggestion, I have to admit that at least it's a logical conclusion to follow from. We see what's happening in the state of California right now in terms of people who are terminally ill and what they're talking about, people who are physically or mentally handicapped and their use to society.

I would suggest that the time has come for we as a people to stand up and very clearly say that the most basic right of all in our society is the right to life, and that because a new life, a new human existence happens to be a burden or an inconvenience to someone, that does not give them the right to destroy it, to kill it.

I'd like to go on and speak very briefly about the Minister of Education's recent statement on changes in education policy. When we realize that the budget allows something like \$1.7 billion for public elementary and secondary education and the local taxpayer coughs up something in the neighbourhood of \$1.3 billion for elementary and secondary education, we appreciate that we're spending about \$3 billion a year in this province on elementary and secondary education. That's a pretty big chunk of money, I think we'll all agree. As a matter of fact, it's probably as much money as we're spending

on any public service which we provide in this province.

Yet we know that the people of the province are very concerned about what they're getting for their money. That's been debated in the education estimates and I'm not going to go through it all again. But I only want to make one point and that is, in my travels around the province and in the travels of my leader around the province, the message that seems to come home time and time again when this issue is raised is that we would even be prepared to spend that kind of money on education if we had the perception that we were getting our money's worth.

In both the education estimates debates of November, 1975, and June, 1976, we raised with the Minister of Education (Mr. Wells) that in fact the people of this province didn't think, didn't believe—I couldn't say that they didn't know because that's part of the problem, they don't really know—but their feeling, their perception is that they're not getting a return on their investment. As a matter of fact, I drew two particular points to the minister's attention. In November of 1975 I pointed out that in the secondary schools of this province it was possible for a student to go all the way through the secondary school and never take a course in what we call English language skills—grammar, punctuation, spelling, composition, essay writing, that kind of thing.

I said that in November of 1975 and within about a page after that the hon. minister responded, "I would have to disagree with the hon. member, because I think he shows a very shallow appreciation of the idea of shared curriculum responsibility." "I would have to disagree," okay? The point I was making at that time was that although the minister had announced in 1974 that English would be a compulsory curriculum course in the secondary schools of this province, the guideline was drawn so loosely that it was indeed possible, in fact it was happening, in the secondary schools in this province, that students would not take a course in what we call basic language skills. The minister says, "I disagree with you, it can't happen." I don't understand how curriculum works, that's what the minister said.

In June of this year I pointed out to the minister that with respect to Canadian studies, which is also a compulsory subject in our secondary schools, it is possible and, in fact, it is happening, that students can go through the secondary schools of this province and not once take a course in Canadian history or Canadian geography, because once

again the course outline for Canadian studies is so loosely drawn that it does not automatically include Canadian history and geography.

As an aside, Mr. Speaker, I would suggest to you that when the people of this province hear the term "English studies" or "Canadian studies" it is my understanding, and I would suggest we could stop anyone in the street and get their response, that the kinds of things I said should be in there are in fact what they think should be in there.

So let's go on. I pointed this out to the minister. He said "Let me ask a question. Are you saying the students of this province can go through without taking any Canadian history or geography?" My response: "I'm talking of secondary schools, and the answer is yes." The minister went on to say: "I would dispute that." That was last November and last June. We have a rather surprising statement from the minister, however, on October 6. Let me read just three short passages, to suggest just where we are at with education in this province, when on the one hand the minister says: "Can't be, can't be"; and then he says this:

"We now take this step on behalf of the students, their parents, and the public in general. We cannot leave it to chance that the young people get the fundamentals. We have to ensure it." He said there was no problem a few months ago. And we go on; "Starting especially with the subjects included in the mandatory core group, our curriculum guidelines will become much more comprehensive. Concepts of English composition, grammar and literature must be included. We don't want to take any chances about this."

If there wasn't any problem, how come the change? It goes on: "With respect to Canadian studies, curriculum guidelines will be revised to ensure that every student knows enough about our history and geography to be aware of Canada's identity and Canada's place in the world."

I'm not trying to be picky. That's not the point of my remarks; that's not the point of the references. The point I am trying to make, however, is that we are spending more money in this province of Ontario, from the provincial Treasury and from the property owner tax base, for elementary and secondary education, and when the people of this province say to the ministry and say to this government, "We are not satisfied with what we're getting for that money," and when the minister comes back and says there is nothing to worry about and that everything is okay,

but has to turn around and make a statement which very clearly points out that everything isn't okay, then we have to ask ourselves from a budget point of view how wisely are our funds being spent or, more importantly, does this ministry even know how the funds are being spent?

[11:45]

I would like to turn to one other point in the budget, to budget paper E, which refers to the changes in the property tax. I would have to suggest at this point, and maybe the Premier of the province, because of rather recent announcements, has realized it as well, that this is going to be rather a hot potato for the government.

Mr. Nixon: Heaven help us if they are ever elected with a majority.

Mr. Sweeney: The point right now, as my colleague has just pointed out, is that we understand the implementation of this is going to be delayed for one more year. I guess all we can assume is that perhaps by that time the government feels it will be through another election and feels that by some miracle it will be in power again—

Mr. Nixon: They will be back in their law offices.

Mr. Sweeney: —and therefore they will be back and be able to implement this—

Hon. Mr. Rhodes: We don't need a miracle, you've got it; you've got our miracle over there.

Mr. Sweeney: —despite the opposition that they are meeting at every single review centre across this province.

Hon. Mr. Kerr: Who said that?

Mr. Sweeney: Talk to Blair Willis.

Hon. Mr. Kerr: Willis Blair.

Mr. Sweeney: He will tell you what kind of opposition they have been getting.

Hon. Mr. Rhodes: We don't need a miracle; we have got Smith.

Mr. Acting Speaker: Order, please; the hon. member has the floor.

Mr. Sweeney: Is it any wonder because we were told back in 1970 that there was going to be changes in the property tax legislation in this province. It was going to be implemented in 1973 but somehow or another it just didn't get done. Then we were told it was going to be all brought up again

in 1975 to be implemented in 1976, but it didn't get done. Then we were told just a little while ago it was going to be calculated in 1977 for implementation in 1978, but it is still not going to be done. Now it has been changed once more. Four times this government has had to come out and say that it doesn't know what in blazes it is doing with property tax reform in this province.

They don't know what to do about it. They know there is a problem. Everybody out there knows there is a problem but they don't know how to solve it. Four times it has been delayed. Looking at some of the things they are suggesting, it is no wonder they are getting a response. They are talking about market value assessment and saying that the residential taxpayer is going to gain by this because he will be paying a smaller share of the total tax base. At first glance, that looks as if it could be so, but they don't mention that there could be a rather dramatic shift within that property tax base.

For example, just a couple of days ago, the Toronto Board of Education did an analysis of what would happen in their area. Do you know what they discovered? Their brief says those with the lowest family incomes will pay the greatest increase in the proportion of their family incomes for property taxes. Those with the lowest incomes will pay the highest increase.

The brief also shows that owners with houses worth \$110,000—they are probably the same ones that got that grant, the same group—will pay 27 per cent less. In fact, their taxes will drop from an average of \$1,600 to an average of \$1,200, almost \$400.

Hon. Mr. Kerr: They need it.

Mr. Sweeney: Then the Minister of Revenue comes back and says no, that's not what is going to happen at all because under this new plan the local municipalities won't raise any more money than what they did before. They will just re-allocate it differently. Yes, they sure will re-allocate it differently. When the minister says we are not going to raise any more money, strangely enough, he finishes with this sentence: "Unless the council deliberately sets out to increase its revenue"—and here is the key point—"the only increase in taxes generally speaking will be those which should have occurred anyway and which are probably long overdue." Do you understand the implication of that?

Mr. Nixon: Sure, that's the target for the Treasurer in higher taxes.

Mr. Sweeney: What he's saying very clearly is, "Look, you local municipal councils, you've been wanting to find some way to raise taxes for a long time. I'm going to give it to you. We're going to bring in a property reform taxation system which is so mixed up and so confused you're going to be able to get more money and the people won't even know what happened."

Let's go on to another statement. We are told there is not going to be any increase after all but for some strange reason, in budget paper E, they list the Niagara region as an example of what could take place. I don't know why they selected this one. They could have selected any number of municipalities but they selected this one. We look at the figures they quote and what does it say? The tax levy before reassessment will be \$80 million. The tax levy after reassessment will be \$96 million. Why? They're not going to raise any more money? For some reason or another, the levy is going to increase from \$80 million to \$96 million in their example.

An hon. member: Heaven help us.

Mr. Sweeney: All I can say is it is becoming more confusing all the time and I can understand why the government has delayed it.

I want to take this opportunity to address myself very briefly to a topic which was raised in this House last July. I think it certainly fits within the budget statement because I understand the committee for the administration of justice is now meeting downstairs.

The members of the House will remember that I reacted rather strongly to a suggestion that the Supreme Court of Canada should be elected rather than appointed the way it is now and that it should come under greater control of the parliaments, provincial and federal.

Hon. Mr. Rhodes: You like to phone judges in your party. We know about that.

Mr. Sweeney: I reacted very strongly to that and I had intended not to bring up the point again because I think I made my point.

Hon. Mr. Rhodes: Hello, Mr. Judge; it's me, the boss.

Mr. Sweeney: But something has occurred in the last couple of days—

Mr. Eakins: You're hitting a tender spot.

Mr. Sweeney: —which compels me to bring up this point. The issue I was trying to get

at it the only way the people of this country or this province are going to be protected from their government—and it's been demonstrated several times in this province, with this government, that that kind of protection is needed—is if we have an independent judiciary and independent court.

Hon. Mr. Kerr: We do have.

Mr. Sweeney: Yes, we do and we intend to see that it stays that way.

Hon. Mr. Rhodes: You would rather have them elected. You say elect them.

Mr. Sweeney: No, absolutely not. I'm speaking against that point and you know I'm speaking against it.

Mr. Nixon: Why don't you listen to what he said?

Mr. Sweeney: I spoke against it before. We do not support the election of the judiciary. We entirely oppose the election of the judiciary. It was a member of your government who suggested it.

Hon. Mr. Rhodes: You supported it.

Mr. Sweeney: A member of your government suggested it and not one single one of you stood up and objected. You would allow it to go through. You would allow this government to control the courts of this country if that member's suggestion was approved. If you disagree with it why didn't you object the way we did? Why didn't you?

Hon. Mr. Kerr: You are out of your cotton-picking mind.

Hon. Mr. Handleman: What have you been smoking?

Mr. Eakins: Not even Don Morrow objected.

Mr. Sweeney: All we've got to do is look at what's happening and what has happened wherever the government has control of the judiciary.

Hon. Mr. Kerr: What about Ouellet? Would he agree?

Hon. Mr. Rhodes: Hello, judge, this is the boss.

Mr. Sweeney: Look what happened in Germany. Look what is happening right now—and this is the reference I want to make—

Hon. Mr. Rhodes: Look what's happening in Ottawa.

Mr. Sweeney: —now in India, which is nominally a democratic country in the Asian continent.

Mr. Eakins: Look what's happening at Queen's Park.

Mr. Sweeney: On November 3, changes in the constitution were passed and one of the opposition members pointed out that this bill will open the flood gates to regimentation and dictatorship. We can only assume that's what this government would also approve of. They go to point out:

"One of the key factors of that bill will substantially enhance the power of Parliament and the Prime Minister and diminish the power of the courts, which have so often been a bastion of resistance to the central government's stern new posture."

Do you recognize yourself? You should.

Interjections.

Mr. Sweeney: The other comment on the same issue:

"In particular the amendment in part redefines the role of the Indian judiciary, curtailing the court's rights to enforce civil liberties and to review both ordinary legislation and constitutional amendments."

We would have to assume, Mr. Speaker, because of the silence emanating from those benches—

Interjections.

Mr. Sweeney: —that feelings like this reside over there.

Mr. Haggerty: Shame, shame.

Hon. Mr. Kerr: Mrs. Gandhi is the head of the Liberal Party over there. Imagine, she is the leader of the Liberal Party in India.

Mr. Sweeney: Since the Minister of Housing happens to be in the House, I would just like to briefly point out to him that the housing industry in this province is really quite in the doldrums, really in the doldrums.

Hon. Mr. Kerr: Oh, Mr. Trudeau says we are not all bad.

Mr. Sweeney: If he has been reading any of the local press and if he has been meeting with any of the local people—

An hon. member: That's terrible. It is just a shame.

Mr. Sweeney: Yet if we want to talk about our economy—we have said this before and we will probably have to say it again as long as this government is in power—the housing industry of this province can be the greatest stimulus to the economy of the province, the greatest stimulus in terms of putting skilled workmen, in terms of putting production people back to work, in terms of putting homes and roofs over the heads of our people. Yet we look at the amount of money that is allocated in this budget and we look at what's happening, not what the government says should happen or what it thinks might happen but what in fact is happening—and I guess maybe that's really the point I am trying to make with all of the examples I listed—when we look at this, when we look at the kinds of economic and financial decisions which are made and when we look at at the results, they aren't very happy.

Mr. Acting Speaker: The hon. member for Hamilton Centre.

Mr. Davison: Mr. Speaker, at this time of year people are very concerned about the question of energy and I would like to take this opportunity to comment in a rather concise way on that issue and some of its ramifications. I don't intend to speak to the history of energy policy development in our province but, by way of background for the remarks that I do intend to make, I would like to read to the House from the annual report of the Ministry of Energy a passage that clearly sets forth the cornerstone upon which the government's policy is to be based.

"The Ministry of Energy is responsible for the development and implementation of a provincial energy policy which is designed to ensure that Ontario's consumers receive an adequate and secure supply of energy at reasonable prices, with an acceptable environmental impact."

The cornerstones of the policy are commendable. I would say, however, that it's quite unfortunate that the government chose to go and build the policy somewhere else. When we are dependent on sources outside of our province for 80 per cent of our energy, by no stretch of the imagination could anybody say that we have an adequate and secure supply. When the costs jump by 20, 30 and 40 per cent every year, by no stretch of the imagination could one say that we have energy at reasonable prices. When tomorrow or the next day may bring with it a major nuclear

disaster, no one could possibly say that we have energy with an acceptable environmental impact. The government has brought to energy policy development in this province its standard practice of saying one thing and doing the opposite. The government has managed to bring our province from an energy crisis to an energy disaster. A number of years ago it became readily apparent to anyone who wasn't a complete fool that we could not depend on fossil fuels and a few massive hydro electric facilities for energy needs. Some time after that it became apparent to the government. Casting about for a solution, the government adopted the nuclear option.

[12:00]

No doubt they were impressed by the opinions of people like Lewis Strauss, who at the time was the chairman of the American AEC, when he said electricity from nuclear power plants would eventually be so cheap that no one would bother to even meter it.

Whatever the reasons, whatever the justification, or whatever the motive, Ontario was pushed into the world of atomic energy. Research and development of other alternative sources was discouraged. Nuclear energy was to be the safe and economic energy of tomorrow. Well, yesterday's tomorrows have a way of turning into today. Perhaps it is time that we should take a look at the realization of yesterday's promises and predictions and see what has happened.

I would like to examine the safety of the nuclear option at several of its stages in the fuel cycle. The uranium production stage presents two separate kinds of hazards. The first is the exposure of people working in the mines and in the mills to an incredible number of radioactive materials which range from the well-known ones like uranium 238 to all of its various and deadly by-products like radium 226, radon 222, polonium 218. Estimates show that one out of every five underground uranium miners will die of lung cancer because of exposure on the job. Those are stunning statistics.

The second hazard involved with the production is waste materials. We call these waste materials tailings. The liquid wastes that flow into the waterways around the mine or a mill have caused incalculable environmental damage. More recently, incidents have come to light of houses, schools and other buildings being built on landfill that contains sandy tailings. These are exactly the same radioactive materials that have been

responsible for the deaths of thousands of miners throughout the world.

Elliot Lake and Port Hope aren't just the names of places on the map of Ontario. They are representative of communities in our province where men, women and children will die because of a government policy decision. I don't say that by way of an accusation, but simply as a fact.

The next stage in energy production involves the preparation of uranium itself for use in the core reactor. This requires that the uranium be shaped into rods, which are then ensheathed in zircaloy coating. And whenever you have any sort of process like this, it means that the workers are again exposed to deadly radioactive materials over the long and the short terms.

The next stage after that, of course, is the reactor itself. And along with that comes the intensification of all the problems presented by the production of nuclear energy. In the fuel cycle prior to the reactor stage we are confronted with the difficult problems of processing and handling radioactive uranium ore. However, within the reactor core itself this uranium is subject to incredible forces which cause the composition of the fuel to grow increasingly complex as the reaction proceeds. It becomes more and more difficult for us and for our scientists to keep track of all of the competing processes involved; and as the process itself becomes more and more complex, the potential for serious problems developing increases at an alarming rate.

Some proponents of further nuclear development suggested that your chances of being killed by nuclear accident are less than your chances of being killed by lightning. That is not overly reassuring. It is not reassuring to me and it is not reassuring to most people. It is also not the kind of information that the public can use in making a rational judgement on the question. Before the public can make a judgement, before the public can come to decide about the question, they have to know whether the risks are worth the benefit. They have to know something more than just the odds; they have to know the consequences. Governments, this one holding a very high place among them, have been perhaps understandingly reluctant to make public studies which show the damage a major accident could cause.

On the few occasions when these studies do come to light the contents are indeed alarming but perhaps they're only the tip of the iceberg. The first example of this situ-

ation occurred some 20 years ago. The American government document, No. Wash. 740, which was entitled *Theoretical Possibilities and Consequences of Major Accidents in Large Nuclear Power Plants* was published in March, 1957.

The study considered a maximum credible accident which, by their estimation, resulted in one-half of the fissionable material of the reactor core being leaked into the atmosphere. The reactor in question was 50 kilometers from a city of one million people and the disaster would occur when the wind was blowing toward this city. Wash. 740 predicted 3,400 deaths. It predicted 43,000 permanent injuries and property damage—get this—of \$7 billion. By anyone's standard, those statistics were and still are very alarming.

However, at the same time, the Power Reactor Development Corporation commissioned a similar study, a similar analysis from the Engineering Research Institute of the University of Michigan. Their report came out a few months later, in July, 1957. They assumed an accident resulting in the complete release of the core's inventory when there was temperature inversion and a wind blowing toward the city. In the case of this study the city was Detroit. Their results made the Wash. 740 results pale into insignificance.

They estimated that 133,000 people would receive fatal radiation dosages and that an additional 426,000 people would be injured. After that, of course, they made no effort even to make a guess at what the property damage would be.

How do those figures relate to Ontario 20 years later? Reactors today are a lot bigger than they were then. The nuclear complex not very far from here at Pickering is one of the biggest in the world. Today our cities are much bigger; our property values are much bigger. A total rupture at Pickering could kill or injure hundreds of thousands of people in this province and the property damage would be tens of billions of dollars. Clearly, the odds have to be considered in terms of the possible consequences.

The favourite argument in the arsenal of nuclear plant advocates as far as safety is concerned is history. They say that in over 20 years of operation not one major disaster has occurred. They don't, of course, say that nobody's been killed because indeed many people have been.

Before we discuss a few examples of near disaster, it would perhaps be of interest to members to consider what one expert has to

say about safety and its relationship to the past and to the future. Professor Garrett Hardin of the University of California put it this way, and I quote:

"As people repeat simple operations year after year without an accident they become bored and careless and disbelieving of the possibility of an accident. There is a sort of reciprocal relationship between the frequency of past accidents and the probability of future accidents. The smaller the first value, the larger the second. This reciprocity sets some sort of undefined limits to human reliability. A long and distinguished safety record sets the stage for a serious accident at an unforeseen time."

The list of disasters associated with nuclear reactors is both long and awesome and I have no intention of reciting it, but let's explore a couple of examples.

The Enrico Fermi I plant near Detroit went into operation in August, 1963 and was plagued by a continual and long series of problems. On October 5, 1966, while the control room staff was trying to figure out the cause of one of these problems, the radiation alarms went off. Everybody knew what was wrong. The fuel in the core was melting. But nobody had the slightest idea what the cause of that was or what to do about it. While official records don't show it, testimony indicates that at this point in time an alert went out to the local police and the civil defence authorities to prepare for the evacuation of Detroit and other centres.

It turned out in the end that a zirconium triangle plate had come loose and had blocked the flow of the sodium coolant. This had caused the melting of several of the fuel pins. The process stopped short of a complete meltdown and there wasn't an evacuation. If it had not, then scientists predict that the area around Detroit would have been a wasteland indefinitely.

In March, 1975, there was a fire at the Brown's Ferry nuclear reactor in Alabama. It is interesting to note that the fire was started accidentally by a couple of electricians who were looking for a draught with a candle. It looked for a while as if there would be a major loss-of-coolant accident. The fire destroyed seven of the plant's 12 emergency core cooling systems. Fortunately for the state of Alabama, the remaining five ECCSs were adequate to prevent the meltdown. One has to wonder if four would have been equally adequate.

The first two accidents that I have mentioned did not occur in Canada. That is not to suggest that we haven't had our fair share.

Mr. Speaker, you may recall that the world's first major nuclear reactor accident occurred right in our very own province. On December 12, 1952, the reactor at Chalk River near Ottawa nearly went up in smoke with all of the surrounding area. A technician had mistakenly opened two or three valves in the basement of the reactor. The warning lights on the panel in the control room started to flash. The supervisor on duty rushed downstairs, saw what had happened, turned off the valves, and called up his assistant on the telephone to tell him that he should press buttons 4 and 3. In his haste, he said four and one. The technician pushed the buttons. There followed a technical mechanical failure.

Within minutes the order went out to evacuate the entire complex, to evacuate the plant. The temperature and pressure increased and the chemical reaction destroyed the reactor's core. It was by the most incredible luck that night that no one was killed by the release of about 10,000 curies of long-lived fission products. If the accident had been of just a slightly different nature, who's to say what might have happened at Chalk River that night? As it is, the events at our small experimental reactor showed that human and machine errors can happen. They can happen right here in Ontario.

One of the most sensitive and potentially dangerous facets in a reactor is the coolant system. We have found enough leaking pressure tubes at Pickering to frighten anyone as far as the safety of our modern CANDU reactors are concerned. When we think about the possibility of human and mechanical errors leading to a disaster at a reactor, it is not in my opinion wise to take comfort in the odds. There is a law of science that's referred to as Murphy's Law. It's something we should always keep in mind. It says that if anything can go wrong, it will.

The dangers at a reactor would be shocking enough if the only cause of a disaster was a human error or mechanical failure. Unfortunately, that is not the kind of world we live in. Nuclear power stations have to be secure from external intervention.

[12:15]

A number of months ago, an incident came to light, which had been hidden for a number of years and which was absolutely

incredible. On September 8, 1969, the alarm systems went off at a reactor in India. Some staff members rushed to the switch-gear room to check the abnormality and found a man they had never seen before flipping switches with reckless abandon. It turns out that he was mentally disturbed and had just sort of walked in off the street. If there had been a simultaneous local power failure, probably tens of thousands of square miles of India would have been wiped out.

I don't think we should be chauvinistic in the least about security measures, because it wasn't very long ago that a member of this very House found he could walk around the Pickering complex without permission carrying a bag which could have contained anything. I'll tell members something—if lunatics and MPPs can get into these top security areas—

Mr. Burr: The two extremes, of course.

Mr. Davison: That's not for me to say; two extremes, yes. If they can get in, what makes us think that saboteurs and terrorists can't do it?

There have been so many near misses as far as terrorists are concerned, and they've occurred in countries all the way from Argentina to Scotland. It's not even necessary for the terrorists actually to break into the reactor to cause a disaster at the reactor. In November, 1972, three hijackers demanded \$10 million or, they threatened, they would crash the DC-9 they had hijacked into the nuclear complex at Oak Ridge, Tennessee. The reactors were shut down, the staff evacuated and the money was paid.

Terrorists can intervene at other places in the fuel cycle. They don't have to go to the reactor. Between each stage in the cycle we depend upon transportation of these radioactive materials. If we can't protect a reactor how on earth can we expect to protect moving trucks, trains, boats, planes? We can't do it.

Even the most simple things can cause a major disaster. If some workmen should happen to pile crates containing just moderately radioactive material too close together, they can obtain a mass which will go critical and cause a chain reaction. Something that simple.

A closing word on terrorists: I think it would be pretty easy for a terrorist to get his hands on some radioactive material and I don't think, nor do experts think, it would be very much more difficult for them to

construct a powerful nuclear device. With a bit of plutonium 239 about the size of a golf ball and \$2,000 a serious student of physics can make a nuclear bomb.

A nuclear reactor produces a large amount of radioactive waste and one of the most serious questions raised by atomic energy production is what do we do with the waste? The longest lasting of these wastes is plutonium 239 which over 24,300 years loses only one-half of its radioactivity. Plutonium 239 will remain radioactive for about a quarter of a million years. The most bizarre aspect of nuclear energy is that we know of no way to store this material safely for any length of time because any material which comes in contact with radioactivity is subject to constant change and we can't depend on anything remaining stable.

If we know of no way to store this material for a couple of decades what is it that makes anybody think we're going to be able to store it for 25,000 decades? Is it really sensible for us to accept the assurances of people who say we will surely discover—science and technology will surely discover—a safe permanent storage site for ever-increasing amounts of deadly radioactive wastes? Is that sensible? I'll tell members how sensible it is. It's about as sensible as going down to the CN Tower and jumping off it with a bag full of hardware and hoping to build a parachute on the way down. That's how sensible it is.

It's patently clear to me, and I think to most people, that no sane, rational, well-informed person could consider nuclear energy to be safe. One might suggest that perhaps says something about the government. There is no need for anybody to tell me the answer to that remark, because it's painfully clear what the answer is. The government's apologists would admit that of course there are some dangers involved but, quite frankly, nuclear energy is so economical that the risks involved are simply outweighed by the benefits.

Let's put aside the question of safety for a minute and take a look at these economics. Let's see how economical nuclear energy is. We live in a world of rapid change, and circumstances have changed since the government adopted the nuclear option.

There are three areas in which the economics of nuclear energy and nuclear power plants have changed dramatically. The first area is in construction costs. The firms that design and supervise construction of plants

work on a cost-plus basis, which means there is no incentive to hold costs down. The first nuclear power plants, those on which we based our costs, were built with very few safety systems. All aspects of fitting these new safety systems have involved very expensive yet completely unexpected costs. There have been periodic shortages of skilled labour, which has led to overtime at double and triple pay. The complexity of construction has led to skilled workers being paid while they are waiting for work because the process was not properly synchronized. These and other factors have resulted in capital costs increasing tenfold in about 12 years. In dollar terms, that means what cost \$100,000 in 1964 costs \$1 million today.

The second problem sector is operating costs. The main difficulty here is that nuclear power plants are just not as efficient as was predicted. Our plants were supposed to operate at 80 to 90 per cent of their capacity. While exact assessments are going to be a long time coming in, because we have to see the figures over a long term, it is safe to estimate that the actual figures are going to be somewhere between 30 and 60 per cent of capacity. The repair costs are terribly expensive because it takes a great deal of time and large numbers of people so that workers aren't exposed to large doses of radiation. The lower the efficiency of the plant, the more expensive the electricity it does produce when it is working. A plant working at an average of 35 per cent efficiency produces electricity that is twice as expensive per kilowatt as an identical plant working at 80 per cent capacity.

The third area is fuel costs. It is assumed—not properly so—that uranium would remain a relatively inexpensive commodity. Since 1973 the price of uranium has increased about sevenfold on the open market. The current Westinghouse lawsuits, which are going on right now south of the border, show in a very dramatic fashion the effect of this increase on costs. Another difficulty is that the actual burn-up rate of uranium was found to be not the same as predicted. This means that our requirements could be as much as 50 per cent higher than was estimated. The CANDU reactors use heavy water as a coolant, and this also has turned out to be more expensive than estimated. I might add that when we lose tons of heavy water because of the leaks in our pressure tubes at Pickering, that doesn't help the cost factors either.

When Canada built its first heavy water plant at Glace Bay, I think just about everybody in the country was rather mildly surprised to find out that after the millions of dollars spent in building it, it didn't work. So we had to go and spend many more millions of dollars in completely rebuilding the plant so it would work. Nuclear power is capital and energy intensive, not labour intensive, and the economics of nuclear power have become uneconomical.

Mr. Speaker, as I said earlier, yesterday's tomorrows have a way of becoming today. What was to be the safe and economic energy of tomorrow has turned out to be the unsafe and uneconomical energy of today. We simply can't afford it. The road of nuclear energy can lead only to disaster and this government seems determined to drag the people of Ontario down with it. The government simply is not acting in a sane and rational manner. I respectfully suggest that if the members opposite want to continue on this course, they be free to play with only their own lives, not with everybody else's in this province. This policy of nuclear energy is an excursion into hell and as far as I'm concerned it is one trip the members opposite can take by themselves, because we don't want to go.

Anybody who would argue that the abandonment of the nuclear option would create an energy shortage simply doesn't know what he's talking about. Any need that is supposed to be met by atomic energy can be filled by alternate energy sources. Many future needs that cannot be filled by nuclear energy can be filled by alternate renewable energy sources.

Before I make a few brief comments on the benefits of some of these renewable energy sources I would just like to remind the members of some of the sources themselves.

The best known, I guess, is solar energy. The sun's energy can be harnessed in a number of ways to provide energy for domestic heating, commercial heating and industrial fuel and heat.

The energy of the wind can supply electricity for any need and is particularly suitable for rural areas.

There are similar benefits to be gained from the harnessing of other renewable resources, such as tidal power, wave power, ocean thermal energy and geothermal energy.

Heat pumps provide an interesting answer to home heating needs.

Photo-voltaic energy appears to be an almost unlimited source.

Biomass burning generators can supply electricity, and synthetic fuels can be produced from biomass to provide liquid fuel for transportation needs.

Small-scale hydro dams are a very efficient use of our resources.

I have made no attempt to provide an exhaustive list, as its length would be overwhelming. It is very interesting to note that there are four renewable energy sources which individually could have provided more energy than we used throughout the entire country in the year 1975. Those are solar-thermal, photo-voltaic, wind and geothermal.

Renewable sources enjoy two tremendous benefits that make them very sensible alternatives. They have the advantage of simplicity, so the development costs are low. They have the advantage of diversity, so we can build a decentralized energy system in this province. Many of these sources are already cost competitive, others would be with mass production techniques, and some require further research and development. Some may prove not to be useful, but their adoption as a new energy base would make us truly energy self-sufficient forever in Ontario.

Development of these systems would be labour intensive, not capital and energy intensive. We could create countless numbers

of new jobs in Ontario and we could put the province back to work again. There's no need for the kind of unemployment we have. We could build a totally new sector in the economy which would make us not an exporter of raw materials, but an exporter of finished products that would meet the energy needs of an energy-starved world.

[12:30]

In conclusion, we still have control of our destiny. The future is still open for us to write, as far as energy policy development goes. Is this government so myopic that its visions of the future are limited by the bounds of the past? I don't want to leave, and the members of my party don't want to leave, future generations in this province nothing but a wasteland. We want to leave future generations the best province possible. If this government is not willing to work toward that goal, then it has governed too long and it should leave.

On motion by Hon. Mr. MacBeth, the debate was adjourned.

Hon. Mr. MacBeth: Mr. Speaker, I understand the order of business for Monday has already been announced.

On motion by Hon. Mr. MacBeth, the House adjourned at 12:30 p.m.

ERRATUM

No.	Page	Col.	Line	Should read:
106	4428	2	14	not accept the amendment.

CONTENTS

Friday, November 5, 1976

Condominium home ownership, statement by Mr. Handleman.....	4459
Training school death, question of Mrs. Birch: Mr. Lewis.....	4459
Point of privilege re previous question on training school death, Mr. Lewis.....	4460
Krauss-Maffei, question of Mr. McKeough: Mr. Lewis.....	4460
Occupational health, questions of B. Stephenson: Mr. Lewis.....	4460
Gravel pits appeal, questions of Mr. Brunelle: Mr. Lewis.....	4461
Appointment of Status of Women Council chairman, questions of Mr. Davis: Mr. Breithaupt	4461
Browndale operations, question of Mr. McMurtry: Mr. Breithaupt.....	4462
Cost of Viking Home referrals, question of Mr. Taylor: Mr. Breithaupt.....	4462
Big Daddy TV, questions of Mr. Handleman: Mr. Breithaupt.....	4462
Closure of arenas, questions of B. Stephenson: Mr. Breithaupt, Mr. Reid, Mr. Deans	4463
Tuition fees, questions of Mr. Parrott: Mr. Warner.....	4463
Waste recovery, questions of Mr. Kerr: Mr. Reed, Mr. Lewis.....	4464
Toronto Refiners and Smelters Limited, questions of Mr. Kerr: Mr. McClellan.....	4464
Telephone rates, questions of Mr. Snow: Mr. Sargent.....	4465
Drugs magazine, questions of Mr. McMurtry: Mr. Swart, Mr. Deans.....	4466
Post-secondary education costs, questions of Mr. Davis: Mr. Sweeney.....	4467
Italian courses in school, question of Mr. Wells: Mr. Grande.....	4468
Lie detector tests, question of Mr. McMurtry: Mr. B. Newman.....	4468
Condominium home ownership, questions of Mr. Handleman: Mr. Cassidy, Mr. Philip	4468
Krauss-Maffei, question of Mr. Snow: Mr. Reid.....	4469
Point of order on figures re Krauss-Maffei, Mr. Lewis.....	4471
Report, Civil Service Commission, Mr. Auld.....	4471
Budget debate, continued, Mr. Ziemba, Mr. Sweeney, Mr. Davison.....	4471
Motion to adjourn debate, Mr. MacBeth, agreed to.....	4486
Motion to adjourn, Mr. MacBeth, agreed to.....	4486

SPEAKERS IN THIS ISSUE

Birch, Hon. M.: Provincial Secretary for Social Development (Scarborough East PC)
 Breagh, M. (Oshawa NDP)
 Breithaupt, J. R. (Kitchener L)
 Brunelle, Hon. R.: Minister without Portfolio and Chairman of Cabinet (Cochrane North PC)
 Burr, F. A. (Windsor-Riverside NDP)
 Cassidy, M. (Ottawa Centre NDP)
 Davis, Hon. W. G.; Premier (Brampton PC)
 Davison, M. (Hamilton Centre NDP)
 Deans, I. (Wentworth NDP)
 Eakins, J. (Victoria-Haliburton L)
 Ferris, J. P. (London South L)
 Grande, A. (Oakwood NDP)
 Haggerty, R. (Erie L)
 Handelman, Hon. S. B.: Minister of Consumer and Commercial Relations (Carleton PC)
 Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
 Lewis, S.; Leader of the Opposition (Scarborough West NDP)
 MacBeth, Hon. J. P.: Provincial Secretary for Justice and Solicitor General (Humber PC)
 MacDonald, D. C. (York South NDP)
 Mancini, R. (Essex East NDP)
 McClellan, R. (Bellwoods NDP)
 McKee, Hon. W. D.: Treasurer, Minister of Economics and Intergovernmental Affairs (Chatham-Kent PC)
 McMurtry, Hon. R.; Attorney General (Eglinton PC)
 Newman, B. (Windsor-Walkerville L)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
 Parrott, Hon. H. C.; Minister of Colleges and Universities (Oxford PC)
 Philip, E. (Etobicoke NDP)
 Reed, J. (Halton-Burlington L)
 Reid, T. P. (Rainy River L)
 Renwick, J. A. (Riverdale NDP)
 Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
 Rowe, Hon. R. D.; Speaker (Northumberland PC)
 Ruston, R. F. (Essex North L)
 Sargent, E. (Grey-Bruce L)
 Smith, G. E.: Acting Speaker (Simcoe East PC)
 Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
 Stephenson, Hon. B.: Minister of Labour (York Mills PC)
 Swart, M. (Welland-Thorold NDP)
 Sweeney, J. (Kitchener-Wilmot L)
 Taylor, Hon. J. A.: Minister of Community and Social Services (Prince Edward-Lennox PC)
 Warner, D. (Scarborough-Ellesmere NDP)
 Welch, Hon. R.; Minister of Culture and Recreation (Brock PC)
 Wells, Hon. T. L.: Minister of Education (Scarborough North PC)
 Yakabuski, P. J. (Renfrew South PC)
 Ziemba, E. (High Park-Swansea NDP)



Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

Third Session of the 30th Parliament

Monday, November 8, 1976

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. (Phone 965-2159)

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LEGISLATURE OF ONTARIO

MONDAY, NOVEMBER 8, 1976

The House met at 2 p.m.

Prayers.

Mr. Speaker: I recognize the member for Hastings-Peterborough.

POINT OF PRIVILEGE

Mr. Rollins: Mr. Speaker, on a point of personal privilege I would like to clarify an item which appeared in Hansard on Tuesday of last week stating that I interfered with the granting of permits in the Bancroft area. This was read into the record by the hon. member for Huron-Middlesex (Mr. Riddell). I would like to say to this House that that statement is totally untrue.

The second accusation made by the same member, stating that I sell fuel oil products to all government buildings in the Bancroft area, is totally untrue.

Since I was elected in 1959, I have never solicited or sold to the provincial government.

Mr. Speaker: Statements by the ministry.

DUNDAS PUC INQUIRY

Hon. Mr. Timbrell: Mr. Speaker, on Thursday the Premier (Mr. Davis) advised the member for Wentworth (Mr. Deans) that a statement would be made today regarding the situation at the Dundas Public Utilities Commission. After discussions with the Treasurer (Mr. McKeough), who is responsible for both The Municipal Act and The Public Utilities Act, I would like to make the following comments.

The laying of criminal charges against several members of the Dundas Public Utilities Commission is indeed a serious and unfortunate matter. It would, however, be inappropriate for me to comment on this matter since it is sub judice. It would be further inappropriate for me to presume developments. We would all agree, I think, that the time-honoured right of innocence until proved guilty must be upheld.

I might say, in that connection, that there is no provincial legislation requiring persons

so charged to resign or be subjected to disciplinary measures pending judicial determination. Under these circumstances, the commission can continue to function and the members can continue to carry out their duties.

A new manager was appointed in Dundas in March this year. Since that time a reorganization has been under way and the administrative procedures are being revamped with the assistance of a special consultant made available under contract from Ontario Hydro.

As a result of the provisions of Bill 155, which established the region of Hamilton-Wentworth, there will be no election of public utility commissioners in Dundas in the forthcoming municipal elections. Dundas is part of a local study which is about to start under the direction of the provincial steering committee on municipal Hydro restructuring. The study, when completed next year, will determine the structure that Hydro utilities will take within that region. Once restructured, the first new commissions will be appointed by their respective councils who will, in turn, decide during the first term whether subsequent commissions will be appointed by council or elected at large.

With these circumstances in mind, I see no reason to introduce special legislation which would be necessary to bring on public utility elections in Dundas.

Mr. Speaker: Oral questions. The hon. Leader of the Opposition.

VAL RITA WATER SUPPLY

Mr. Lewis: A question, if I may, for the Minister of the Environment, Mr. Speaker; it's a smallish matter, perhaps, but I think an important one.

Can he explain his ministry's behaviour in the case of the Val Rita well drying controversy in the Cochrane area? A number of homeowners appear to be losing their drinking water, probably through the entire winter, because of what appears to be a pumping operation by a private company which did it without licence in a nearby quarry pit. The

ministry has failed to intervene to protect the homeowners.

Hon. Mr. Kerr: First of all, to give some background, the community itself has applied to my ministry for a public project but because of some shortage of funds that has been delayed. In the meantime, we have been monitoring and sampling that water. Whether or not the hon. member has information at this stage that it is not fit to drink, I wouldn't want to comment, but that information had been given to me over the past few months particularly in relation to submissions which were being made to us for an alternative communal system.

Mr. Lewis: By way of supplementary: Now that there is one family which has to drive 11 miles just for washing; two other families whose well water has disappeared almost entirely; a recording instrument of the Ministry of the Environment which ran out and hasn't been read since October 6, according to the letter I received from one of the families, is it not possible to uphold the public interest of these families in this little community rather than to grant the company the continued right to pump the quarry dry when the relationship seems clear?

Hon. Mr. Kerr: Further to what I have been saying, I have been in touch with the local member, the hon. Minister without Portfolio (Mr. Brunelle), and I have indicated to him that we will be going ahead with the project during the next fiscal year. Meanwhile, I will look into the hon. member's concerns to see that there is a sufficient supply of potable water in the meantime.

ENVIRONMENTAL ASSESSMENT EXEMPTIONS

Mr. Lewis: A related question, if I may, to the same minister: Could the minister table the documents or proceedings which attended his decision to exempt so many government ministries and so many government projects for such a long time from the proceedings of The Environmental Assessment Act?

Hon. Mr. Kerr: The environmental assessment regulations are something that have been worked on for about the past 14 months prior to proclamation a week or so ago. This was done by a committee, an overseeing committee under the chairmanship of Dr. Chant, together with the deputy ministers from the various ministries which were involved in asking for exemptions. What documents would

exist in relation to those discussions I am not aware.

Some of the press information we have read over the weekend is not entirely accurate. For example, the Ministry of Government Services is included in the regulations and that ministry, as the hon. member knows, looks after six or seven different ministries as far as projects and construction are concerned. It is not fair to report that all these ministries are exempt from the regulations when they are not.

The purpose during this period of the operation of the Chant committee is to attempt to come to some type of resolution in respect of those projects which were far enough down the road, shall we say, that it wouldn't be proper at this stage to include them in an environmental assessment; and those projects, of course, which are not significant enough to require environmental assessment. The Act itself, as the hon. member knows, is very broad and includes everything.

It includes a change of use, the addition of a classroom, the building of any type of building. Rather than tie everything up and completely stop the operation of a number of ministries, it was necessary to have some exemptions. The exemptions now included in those regulations, as I say, have been arrived at after a great deal of negotiation.

Mr. Renwick: Supplementary question—

Mr. Speaker: Order, please. I think we should have the supplementary from the member for Hamilton West first.

Mr. S. Smith: Accepting the minister's point that a good many plans are already under way and that hearings might delay them, and the various ministries would be upset in this regard, will the minister agree that there might also be similar arguments in the private sector—that a good many plans are already under way? Why would he not exempt them at the same time? Surely the Act should apply even-handedly to the public and the private sectors because the environment is there for everyone?

Hon. Mr. Kerr: At the time The Environmental Assessment Act was proclaimed in 1975 the indication was made that first of all we would bring in government projects—that is, provincial government projects—then municipal projects and then the private sector. The idea was to see how the Act works, to give the board itself the opportunity to become familiar with its duties under The Environmental Assessment Act and

to apply the Act in such a way that everything didn't come to a halt, and that there was some experience, as I say, on the part of the members of the board.

As the hon. member knows, we have indicated that the section dealing with the private sector will be proclaimed and that regulations applying to specific private projects will be implemented next year. In the meantime, certain large private projects such as Elliot Lake and the Reed proposal, will come under the Act immediately.

Mr. Renwick: By way of a supplementary question, if I understand the proclamation of October 20, because the Act hasn't been fully proclaimed, that still exempts private undertakings from The Environmental Assessment Act. If my understanding is correct, when is the minister going to proclaim the balance of the Act so that at least implementation of the procedures can begin under it, having regard to the Elliot Lake project and having regard, of course, to the Reed Paper project?

Hon. Mr. Kerr: I expect that the section dealing with private projects will be proclaimed by the end of this year. As we deal with a specific project such as Reed, the regulations applying to that specific project will be brought in and proclaimed. There is no reason, really, after we have proclaimed the Act generally to apply to private projects, that we can't also have regulations during the year which can apply to certain private projects which we feel will have some substantial environmental effect.

Mr. Foulds: Supplementary—

Mr. S. Smith: Forgive me, Mr. Speaker, I am trying to get this matter clear.

If I understood the minister correctly he is saying that so far the Act has been proclaimed only for the public sector and he has now brought in exemptions, by order in council, to exempt the public sector, and that in the future it will apply to the private sector. In which case, will he use the same criteria for exempting the private sector at that time? That is really the nature of the question I am asking.

[2:15]

Hon. Mr. Kerr: Mr. Speaker, the hon. member hasn't read the Act. We haven't exempted the public sector. What we have done is exempted certain projects within the public sector that are past the planning stage and are so far down the road that it

wouldn't be proper and at this point it would be very costly, to have the whole environmental assessment process applied.

Mr. S. Smith: Then use the same criteria in the private sector.

Hon. Mr. Kerr: That is one criterion. The other is that it wouldn't have any significant environmental effect in any event, and I've used an example of that. As far as the private sector is concerned—I now realize what the hon. member is asking—what we will do after we proclaim the section of the Act, 3(b) I believe it is, is that we will bring in the private sector by way of regulations—specific private projects, as we're doing with Reed and with Elliot Lake.

Mr. Speaker: We've spent 10 minutes on this one question and I think we should go on to a new question. The hon. Leader of the Opposition.

USE OF TDI

Mr. Lewis: Just one last question to the Minister of Labour if I may, Mr. Speaker: Has the Minister of Labour been informed of the public anxiety in the United Kingdom over the use of the chemical toluene diisocyanate—TDI as it is known—and the observation from the health and safety executive of the government ministry that TDI ranks in its dangers even higher than polyvinyl chloride, although a little lower than asbestos, and that the parts per million which are exposed in the work place should now be reduced dramatically as a result of a sudden asthmatic death—I guess it must have been August or September—in the UK?

Hon. B. Stephenson: Mr. Speaker, I have not read that report. I thank the hon. member for bringing it to my attention, and I shall most certainly look into it.

Mr. Lewis: Fine. Would the minister look at the threshold limit value in Ontario, which is set at 0.02 parts per million, and may be 10 or 20 times as high as is manageable with the information that's coming forward? Thank you, no further questions.

DEATH OF PATIENT AT MENTAL HEALTH CENTRE

Mr. S. Smith: A question for the Minister of Community and Social Services: I wonder if the minister would comment on the allegation that a patient died by scalding herself in a health facility while she was on a waiting

list to be transferred to a centre for the retarded? Perhaps the minister is aware of the incident we're talking about. Could he give some comment on why the waiting list was so long, since it appears that the patient has been in this health centre at Queen Street since 1960?

Hon. Mr. Taylor: That was certainly an unfortunate incident. It was in a facility under the Ministry of Health. It was a scalding episode. May I say that it could have taken place in an institution for the retarded as well as a health facility. Without commenting in connection with the merits of it, and addressing the inquiry as to the waiting list, it was not my understanding that there were waiting lists that would prevent a qualified person from entering an institution for the retarded for that long, or anywhere near that long.

Mr. S. Smith: By way of supplementary, since it was a surprise to the minister to learn that there was such a waiting list, has he taken some steps to look into how it happened that this particular patient was kept that long on the waiting list? Does he not have regulations in his institutions for the retarded which keep the fahrenheit degrees at which hot water is allowed to be in the tap system limited to something that would not be that dangerous?

Hon. Mr. Taylor: Yes. In answer to the first part of the question, at the end of last week, I believe it was Friday, when this came to light I did ask my staff for a report in regard to the question of admission to one of the institutions. On the other aspect of it, in terms of water temperature, it's my understanding that the water temperature is controlled so that a person could not scald himself or herself through immersion in bath water.

BROWNDALÉ LABOUR DISPUTE

Mr. S. Smith: A question for the Minister of Labour, if I might: Has the minister some comment to make about the fact that employee dissatisfaction at Browndale has now come to the point where for the second time in a year they're applying to the Ontario Labour Relations Board, complaining about the anti-union attitude of the Browndale employer, and has she discussed with the Minister of Health any implications this might have for the quality of care and the atmosphere in the Browndale institution?

Mr. Mancini: Let the member for Scarborough West (Mr. Lewis) look into it.

Hon. B. Stephenson: Mr. Speaker, the matter is before the Labour Relations Board which, as each member of the Legislature knows, is a quasi-judicial body and I do not interfere with its deliberations. When they have made their decision, I'm sure that this will be being discussed with the chairman of the board—the basis of their report and their deliberations—and if it is necessary, I shall most certainly discuss it with the Minister of Health (Mr. F. S. Miller).

Mr. McClellan: I have a supplementary to the Minister of Labour: I understand that there has been a delay in the completion of the report by the Ministry of Labour investigator looking into this labour dispute, and I would ask the minister to look into that matter and find out whether, in fact, the investigator is meeting the deadline for the hearing, which is scheduled for later this month?

Hon. B. Stephenson: The investigators of the Ontario Labour Relations Board are, in fact, employees of the Labour Relations Board rather than specifically of the Ministry of Labour, but I shall most certainly inquire about that.

WATER POLLUTION

Mr. S. Smith: A question of the Minister of the Environment: Has he visited the sewage treatment facility in the Burlington area and can he confirm that a great many millions of gallons of untreated sewage, or partially treated chlorinated sewage, have made their way into the bay in which he has had his famous swim? Does he have any comment to tell the House about this?

Mr. Good: How could you get any more in there, George?

Hon. Mr. Kerr: Mr. Speaker, I haven't had an opportunity to visit the plant. So far as the excess flow is concerned, it has been pretty well confirmed by the plant's operators that there has been an excess flow during the period indicated, from about the end of June until about the middle of October. As the reports over the weekend indicated, this is during a period of construction. The plant now has reached a capacity where there should not be any overflow.

There is an excess now of at least four million gallons per day. The reason for this, I would assume, is that there were home connections as a result of housing requirements in that area that brought the plant to over-capacity during wet periods.

Mr. S. Smith: A brief supplementary: Can the minister tell us what the government is doing to guarantee that when there is rapid home expansion in a given area, that it does not proceed more rapidly than the sewage treatment capacity itself so that we don't ruin the bodies of water that are already quite threatened?

Hon. Mr. Kerr: My ministry has been criticized from time to time, particularly by local authorities, that we are too tough, that we are holding up subdivisions, that we're not allowing land separations, that we're not allowing connections, particularly when there's a housing shortage and great pressure to provide more accommodation. We'll just have to be tougher.

Mr. Gaunt: Supplementary: I'm just wondering if the ministry had any discussions with the people in Hamilton with respect to alternatives during this construction period?

Hon. Mr. Kerr: I'm advised that rather than allowing the bypass that took place over this period of time, if all the effluent and all the sewage went through the plant, although this would reduce the efficiency of the treated sewage, it would have been better than having a prolonged period of bypass. That is the only solution while a plant is in use at the same time there is an expansion going on in the guts of that plant. That was the problem there. If the plant had got started, say three months to six months ahead of time, there wouldn't have been a problem.

Mr. Speaker: The hon. Minister of Labour has the answer to a question asked previously.

GREAT WEST STEEL PLANT CLOSURE

Hon. B. Stephenson: Mr. Speaker, on November 2 the member for Downsview (Mr. di Santo) asked a question regarding the reasons for closing of Great West Steel in Mississauga. We have investigated the reasons for this closing and can find only that indeed the operation was unsuccessful and non-profitable in the hands of its previous owners.

It was bought in that condition by the present owners and in spite of their efforts they have not been able to make it a profitable venture. As a result of the drop in demand caused by the severe decline in construction activity throughout Ontario the plant has been losing money at an unconscionable rate over the past year and a half. As a result of these financial difficulties, this plant has been closed.

Mr. Speaker: The member for Etobicoke. I'm sorry—yes, the hon. member for Downsview with a supplementary.

Mr. di Santo: Has the minister attempted to convince the owners of the company to postpone the closing at least until after Christmas, as I asked last week?

Hon. B. Stephenson: It's my understanding that there will be a few members of staff still employed after Christmas but very few.

CNR TRANSFER

Mr. Philip: A question of the Minister of Transportation and Communications: Is the minister aware of plans by Canadian National Railways to transfer its wheel manufacturing operation from Toronto to Montreal? If so, is the minister meeting with the CNR to ensure that servicing of GO train equipment will not be affected since I understand it now takes six weeks for wheels to arrive from Montreal to Toronto?

Mr. Breithaupt: They come by train, too. These are not big wheels, either.

Mr. Ruston: Square wheels.

Mr. Speaker: Order, please.

Hon. Mr. Snow: I'm not aware of what the hon. member refers to. It has not been brought to my attention. I certainly will look into it.

Mr. Philip: A supplementary, Mr. Speaker. Since GO Transit has been a major user of wheels—239 pairs in 1974; 364 pairs in 1975; and 338 pairs to October this year—would the minister use his influence as a major user of these to save some 20 jobs of Ontario workers?

Mr. Roy: You should go to Krauss-Maffei. There were no wheels there.

Hon. Mr. Snow: Certainly, I'll look into the matter. As I told the hon. member, I'm not aware of any plans of the CNR along this line but I will look into it and investigate it. I assure the member I'll do everything possible to see that no jobs are transferred out of Ontario.

TIMBERTOWN PROJECT

Mr. Conway: Mr. Speaker, a question to the Minister of Industry and Tourism. What, if anything, does he have to report about the

bringing onstream of the much talked about Timbertown tourist project for Renfrew county?

Hon. Mr. Bennett: Mr. Speaker, in the fullness of time we shall be making our announcement in respect to Timbertown. Until we have certain other things put in place, such as the acquiring of land and so on, there will be no announcement made.

Mr. Conway: A brief supplementary: Would the minister care to focus more sharply the time span for those of us who are interested as to when this may or may not be with us?

Mr. Davidson: When does the fullness occur?

Hon. Mr. Bennett: As soon as we find we have all the pieces of the jigsaw puzzle in place, we shall make that announcement.

Mr. Ruston: That is election time.

Mr. Roy: For the minister that is going to take a while.

Mr. S. Smith: A miniature Darcy.

Mr. Speaker: Order, please. The Leader of the Opposition with a supplementary.

An hon. member: You'll never get it assembled.

Mr. Lewis: Since Timbertown seems to be the primary focus of the so-called economic development for Renfrew county is it not possible to share with the citizenry of Renfrew the eventual plans for that complex, rather than just using the name and inspiring all kinds of curiosity but no facts of any kind at all?

Mr. Breithaupt: He has not even told the member for Renfrew South (Mr. Yakabuski).

Hon. Mr. Bennett: We have been working with the committee put together in that area for its economic development, members of the county council and the municipal council with respect to establishing Timbertown, which is one of the programmes they felt would have viability in their community. We believe it will have but as far as we're concerned until we have all of the pieces in place, there is nothing to be gained by making an announcement in respect to location because of speculation which could arise in land prices.

CONDOMINIUM HOME OWNERSHIP

Ms. Gigantes: I have a question for the Minister of Consumer and Commercial Relations. Following on his announcement last week of an interministerial committee to study the problems of condominium ownership in Ontario, I wonder if the minister would be willing to tell us who is to be the independent consultant to co-ordinate this committee; what are the qualifications he's looking for in that independent consultant; and when will the committee report?

[2:30]

Hon. Mr. Handleman: The consultant has not yet been appointed, so I can't answer that part of the question. The qualifications, I suppose, would be a knowledge of and experience in the problems of condominiums from whatever viewpoint. We have not set any time constraints on the committee but I would like to be able to discuss that with the committee when it is formed and the consultant to see what is possible and practicable.

Ms. Gigantes: A supplementary: I wonder if the minister could confirm that the person he is approaching—I don't know whether he has been able to firm up the contract—as the consultant co-ordinator is Mr. Darwin Kealey, a former candidate in Carleton East?

Mr. Lewis: Come on.

Interjections.

Mr. Speaker: Order, please.

Interjections.

Hon. Mr. Handleman: I know the hon. member would be offended if that appointment were indeed made. However, Mr. Kealey is knowledgeable in the field and we are prepared to consider him. Thanks for the suggestion.

Interjections.

Mr. Roy: What are his qualifications?

Mr. Speaker: Order, please. The member for Ottawa East with a supplementary.

Mr. Roy: I wonder if the minister would care to elaborate and tell us what are his qualifications to head such a commission?

Mr. Lewis: His long Conservative ancestry.

Interjections.

Hon. Mr. Handleman: Mr. Kealey is a partner in or the proprietor of a research consulting firm in Ottawa which has prepared a task force paper, has prepared a memorandum and submitted it to our ministry indicating both a knowledge and an interest in condominium problems. He is not from Metropolitan Toronto—

Mr. Warner: Is his membership paid up?

Hon. Mr. Handleman: —which, in my view, may be an overriding qualification.

Mr. S. Smith: Your friend almost fell through the chair.

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Handleman: He has displayed an interest in condominium problems which I think equals that of anybody in this province, as far as our ministry is concerned.

Mr. MacDonald: So you have made up your mind.

Hon. Mr. Handleman: There may be other people who have an equal interest in it but have not displayed that to our ministry. The assumption that Mr. Kealey may be appointed to this is, in my view, premature.

Interjections.

Mr. Roy: We know how you operate.

Mr. Speaker: A final supplementary, the member for Etobicoke.

Mr. Philip: The November 1 issue of The Condominium quotes the minister as stating that the provincial government does not intend to legislate guidelines for developers. Does the minister not feel that in making such a statement just before announcing his committee he is in some way limiting or unduly influencing the recommendations this committee will be bringing forth?

Hon. Mr. Handleman: I haven't seen the report referred to by the hon. member but I recall the interview in which I said we were not prepared to introduce legislation at this session. This doesn't mean we are not prepared ever to introduce any kind of legislation and we will await the committee's report.

Mr. Lewis: Mr. Kealey didn't even run second.

Hon. Mr. Handleman: What does that have to do with it? Would you take Paul Taylor?

BROWNDALÉ OPERATIONS

Mr. Eakins: A question of the Provincial Secretary for Social Development. In view of the absence of the Minister of Health I am sure the senior minister can answer this question for me. Considering the fact that many of us have received letters from Mr. Ian Sorbie concerning legal expenses incurred by Peterborough parents and others when they sought an injunction preventing Browndale from closing its programme, is the minister reconsidering the refusal to assume these expenses?

Hon. Mrs. Birch: Mr. Speaker, through you to the hon. member, that's an internal matter within the Ministry of Health and I would respectfully suggest that the member refer that question to him when he is in the House.

Mr. Eakins: A supplementary: I would like to ask the minister if the minister has conferred with her and told her about the problem? Also, in view of the fact that his ministry did nothing but sat back and forced the parents to seek the injunction, does she not think it right that the ministry assume these costs considering that its oft-repeated claim is for the programme and for the children? Personally, does she not think this should be assumed?

Hon. Mrs. Birch: Mr. Speaker, through you to the hon. member, I am not familiar with all the aspects of that particular problem. I would suggest that the member speak directly to the Minister of Health.

NIAGARA REGION OFFICIAL PLAN

Mr. Swart: A question of the Minister of Housing. Could he tell the House whether the decision on the official plan for the Niagara region will be announced to the House within a very short period of time? If not, what is the delay for the decision?

Hon. Mr. Rhodes: No, I don't think the announcement will be made in a very short period of time. The reason for any delay is that the official plan is in the ministry and has been circulated, as are all official plan proposals, to the various agencies and ministries which will be responding and sending their comments to us.

Mr. Swart: Supplementary: In view of the fact that it's not going to be made in a short period of time, why has the minister refused to meet with the Preservation of Agricultural Land Society to hear its views on this matter,

especially in view of the fact that six cabinet ministers met with the senior people in the Niagara region?

Hon. Mr. Rhodes: I have written to that particular organization suggesting that I would not meet with them due to the fact that the original letter from them demanded a meeting of me on the grounds that I had met with developers and all other people. I have not held any meetings with any other parties involved in their concerns over the Niagara region official plan, with the exception of the regional councillors and the members of the planning committee.

I say to the hon. member quite clearly that I will not meet with every individual group which wants to make a submission to me, because if the members think there is some delay now, he can imagine the kind of delay we'll have by meeting with every group that wants to come in and make a submission. We have the plan, and to be quite frank I don't think that anything can be added to the information we have.

I know what the position of that particular group is. I have letters from them individually and collectively, enough to make a book of. So I know what their position is. I don't think a face to face meeting is going to add anything to what is needed in order to make a decision.

RACIAL ATTACK

Mr. S. Smith: A question for the Attorney General now that he is in the House: Does he have an answer yet to my question of last week regarding the racial incident in Toronto where an attack is alleged to have taken place and where the hoodlums are alleged to have been identified to the police and yet never arrested? Considering the rather unfortunate nature of the circumstances and the great concern about racism in the city, has he looked into the matter and could he give us a response?

Hon. Mr. McMurtry: Mr. Speaker, as I indicated, I have looked into the matter. I'm still waiting a complete report from the Metropolitan Toronto police department. I communicated with them again after the question to see if that report couldn't be expedited. I thought I gave an undertaking to the leader of the Liberal Party that I would apprise him of the information that I receive as soon as it is received.

Mr. S. Smith: Just by way of a brief supplementary, is the minister aware—I'm sure

he is—that the more the delay occurs, albeit it's totally out of his hands, the more that the community affected begins to feel it doesn't enjoy a high priority? So could he please undertake to have it as quickly as possible?

EXTORTION CASE SENTENCES

Mr. Renwick: Mr. Speaker, in view of the apparent leniency of the sentence imposed upon Messrs. Cotroni, Violi, Papalia and one other in the recent extortion case, is the minister giving consideration to appealing the sentence?

Hon. Mr. McMurtry: Mr. Speaker, this is a matter that the member for Riverdale took up with me privately to alert me to the fact that he was interested in this matter, as we all are, and I apologize for this fumbling, but I did have a fairly lengthy report on that in view of the fact that we're still dealing with the estimates of the ministry. While I'm looking for it, I recall there was some question as to whether or not the Crown counsel who conducted the trial—so it was reported in the press at least—should have pressed harder for the maximum penalty, which was 10 years.

As the hon. member probably knows, the Crown counsel involved did an excellent job on a very complicated case. The report I have indicates that it was the view of the criminal law office of the Crown that the maximum sentence was not warranted and it would not be recommending an appeal for a number of reasons. I'd be quite happy to review these reasons with the hon. member and members of the Legislature now, but it may take me some time.

Mr. Speaker: Do I understand this matter is being discussed in the committee?

Mr. Roy: Yes.

Mr. Speaker: Perhaps that would be the more satisfactory place to discuss it, since both parties interested will be in that committee.

ICE STORM DAMAGE

Mr. Ruston: Mr. Speaker, I have a question of the Minister of Transportation and Communications: Could the minister tell me how many municipalities received special grants last winter as a result of severe ice storms and whether the \$5,000 that the town of Ridgetown received was for highway construction or was it, in effect, because of the severe ice storm in the town? Or was it due

to the fact that the mayor is a candidate for the Conservative Party?

Some hon. members: Oh, oh.

Mr. Nixon: That's an easy one to answer.

Hon. Mr. Snow: Mr. Speaker, if I may answer the last question first, I wasn't aware of that fact, but if he is, I am sure he is on the right track.

I can't say exactly how many municipalities received grants relating to the ice storm. We did have requests for some additional financial assistance from a number of municipalities after that ice storm took place because of their high costs in removing downed trees and so on from the highways rights of way. Our budget was very constrained and we were unable to grant any additional supplementaries at that time. As the year went on, we were able to allocate some moneys from another area within the ministry funding which allowed us to grant supplementary allocations of funds to, I would guess, about seven or eight or more municipalities that had had major expenditures due to that ice storm and, of course, the money was to assist in paying the cost of cleaning up the rights of way after the ice storm.

Mr. Ruston: Supplementary: If it is only seven or eight municipalities, could the minister give me the names of those municipalities?

Hon. Mr. Snow: I can't recall all of them at this moment; there might have been more than that, but I know there was a considerable number down in western Ontario and along the Lake Erie shoreline. There may have been more than that, and I will get a list of the municipalities that received the supplementary grants for that purpose.

HARBORD COLLEGIATE

Mr. McClellan: A question to the Minister of Education, if I may, with respect to Harbord Collegiate: The Harbord Collegiate building advisory committee wrote the minister on October 19 and said, among other things:

"In view of the new construction pending and the probable demolition of much of the old building, only minimum maintenance has been provided since 1968 with the result that the building is in imminent danger of condemnation and collapse even before new construction can start."

In view of this morning's Globe and Mail reaffirmation that Harbord seems to have a

low priority for capital funds, I want to ask the minister what it takes to get priority from his ministry for Harbord Collegiate? Does it have to fall down?

Hon. Mr. Wells: Mr. Speaker, we will be glad to send some of our people, with the Toronto board people, to look again at Harbord Collegiate. There is no question that ultimately it probably should be replaced. There are many schools in this province that are in the same or indeed a worse category. The hon. member's friend from Timmins can tell him about Timmins High and Vocational.

It is not our understanding that it is imminently in a state of readiness to collapse or anything like that, and I have to tell the hon. member that given the kind of financial restraints that this government has on capital money and our priority to spend that money for new pupil spaces where new housing areas are concerned, I am afraid that Harbord Collegiate replacement is going to have to wait a couple of years yet.

Mr. McClellan: Supplementary: Is the minister aware that on October 23, 1973, the Metro school board passed a policy motion which established Harbord as number one priority within the Metro system and that, as far as I understand, that priority for the school, which serves mainly new Canadians, still stands?

[2:45]

Hon. Mr. Wells: I don't ever recall it being put in number one priority for all of Metro, because I think Metro always did agree to a priority of new pupil spaces first. It was number one priority, as I recall, in the replacement category, and that is a different category from new pupil spaces. As it has turned out, there hasn't been enough money for all the replacement projects. I draw my friend's attention to some of the schools that have been replaced in that particular area.

To say that nothing is being done in that particular area in regard to replacement is not so. Look at Brown School, or look at Kensington School. The Toronto Board of Education's record of replacement is very good and our record of supporting them. But I have to tell him that at the minute, because of the tightness of money and the number of new spaces that have to be provided, it isn't going to be possible to fund Harbord in the immediate future.

Mr. Mancini: It's not too good in Ruthven, I'll tell the minister.

Mr. Foulds: Supplementary.

Mr. Speaker: Order, please. Supplementaries really should be for further information, not almost a rehash of the original question. If there is a supplementary based on the answer I'll allow it.

The member for Bellwoods.

STUDENT COMMENT ON EDUCATION STANDARDS

Mr. McClellan: I just wanted to ask the minister if he saw the comments of the valedictorian at Central High School of Commerce in the weekend papers, and if he would take those remarks and call them into consideration?

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Wells: Mr. Speaker, that is a new question, but I must say I would like to answer that.

Mr. Roy: It's up to the Speaker, not up to you.

Hon. Mr. Wells: I did see those comments. I will reflect on them, as I know the Toronto board will. I have talked to the director of education of the Toronto board about them, and they will reflect on them.

I just want to point out to my friend that there were commencements all over Metropolitan Toronto last Friday. I have checked with a lot of people and I attended one of them myself personally and that kind of sentiment or comment did not come through at any others. It is not representative of the kind of graduates or valedictorians in Metropolitan Toronto.

Mr. McClellan: Okay; but the comment was by a student from that area. It's a very real problem in our area—that's the point.

OTTAWA MILL RATES

Mr. Roy: I have a question of the Treasurer. I wonder if the Treasurer might explain why is it that in Ottawa and in the suburban areas of Ottawa, the taxes being paid by the home owners in those areas range from 18 per cent to 80 per cent higher than in all other large municipalities in the province? If he is aware of that could he explain why; and secondly, what he is doing to correct this discrepancy?

Hon. Mr. McKeough: I wouldn't propose to do anything to correct that discrepancy. It is a matter of local government which this side of the House happens to believe in. They will have their opportunity four weeks from today.

Mr. Nixon: After you jammed regional government down their throats.

Hon. Mr. McKeough: There is no way we are going to interfere in the way the member has suggested in local mill-rate setting. It is just sheer nonsense to suggest that sort of thing—

Mr. Nixon: It's the McKeough tax.

Hon. Mr. McKeough: —by the party which talks about decentralizing government and makes that kind of a statement. Just nonsense.

Interjections.

Mr. Roy: In view of the fact that the Treasurer comes down around Ottawa and brags about all the good things the government does down there, and also his cohorts, the Minister of Industry and Tourism (Mr. Bennett) and the Minister of Consumer and Commercial Relations (Mr. Handleman)—

Mr. Speaker: Is there a supplementary question?

Mr. Roy: —how can he say he is doing things for people in the Ottawa area when they are paying taxes 80 per cent higher than other people in the province? Where is the leadership?

Mr. Speaker: It seems to me that is debating the question.

Interjections.

GROUP RESIDENCES FOR MENTALLY RETARDED

Mr. Wildman: I have a question of the Minister of Community and Social Services. I wonder if the minister could tell us if his ministry is considering introducing legislation to provide for funding for urban residential accommodation for retarded teenagers under the age of 18, whose families wish them to obtain vocational training in urban centres but who live at such a distance as to make commuting impossible?

Hon. Mr. Taylor: If the question is whether or not the Ministry of Community and Social Services is providing group residences—

Mr. Ruston: Start again.

Hon. Mr. Taylor: Was that the question? I am sorry I can't hear too well over here with the background noise. I was trying to zero in on the question.

Mr. Speaker: Order please; the hon. minister has the floor.

Mr. Breithaupt: Ask the Minister without Portfolio (Mr. Henderson) to be quiet.

Hon. Mr. Taylor: If that is the question, we have been for years.

Mr. Wildman: The minister should be aware, from correspondence that I sent to him, of people in Algoma district who have been unable to obtain accommodation.

Mr. Speaker: Is there a question now?

Mr. Wildman: Can he do anything about the fact that people in Algoma district cannot obtain accommodation for their children who are under the age of 18 who want to obtain accommodation in residences in Sault Ste. Marie so they can attend these courses? There are just not enough.

Hon. Mr. Taylor: I guess that's a question and an answer, Mr. Speaker, but basically, certainly we have been doing that. The process is through the local association for the mentally retarded and the district working groups, and submissions have been made and are being made, and we have been creating the appropriate placements. This year I think we have about 875 additional placements already.

Mr. Speaker: There is time for a brief question from the member for London Centre.

BUS DECAL PROGRAMME

Mr. Peterson: To the Minister of Transportation and Communications: Can he tell the House the total cost and the number of communities where he is suggesting or insisting, or whatever word he's using, that the local buses put on a decal saying that the government of Ontario is subsidizing that transportation?

Mr. Deans: Is it true they have your picture on the walls?

Hon. Mr. Snow: No, that is not true.

The cost of the decal will be 71 cents for the decal that would go on each bus.

Mr. Kerrio: You are going to need thousands of them.

Mr. Ruston: I heard the feds were going to start doing that.

Mr. Roy: Are you going to put signs in front of the schools and hospitals?

Mr. Peterson: Mr. Speaker, it is very important that I pursue this at this time—

Mr. Speaker: No. We are almost a minute over. The oral question period has expired.

Petitions.

Presenting reports.

Motions.

Introduction of bills.

MOTOR VEHICLE ACCIDENT CLAIMS AMENDMENT ACT

Mr. Grande moved first reading of Bill 161, An Act to amend The Motor Vehicle Accident Claims Act.

Motion agreed to.

Mr. Grande: Mr. Speaker, the purpose of this bill is to raise the limit on the amount that may be paid out of the fund after the first day of January, 1974, from \$50,000 to \$500,000.

Hon. Mr. Welch: Before the orders of the day, I wish to table the answer to question No. 70 standing on the notice paper.

(See appendix, page 4534.)

GIFT TAX AMENDMENT ACT

Hon. Mr. Meen moved second reading of Bill 134, An Act to amend The Gift Tax Act, 1972.

Mr. Speaker: The hon. member for Beaches-Woodbine.

Ms. Bryden: Thank you, Mr. Speaker. This bill deals with three things. First of all, it's a method of collecting gift tax when the donee is a non-resident but either receives property in Ontario or already owns property in Ontario.

The second thing it does is extending the exemption from gift tax for interspousal gifts to gifts by way of the creation of a settlement or the transfer of property to a trust, subject to certain stipulations about the kind of trust which qualifies for the exemption.

Third, it parallels the definitions of child and common law spouse in The Succession Law Reform Act, 1976, now before the House as Bill 85.

This is designed to remove discrimination against illegitimate children and to recognize certain defined common-law unions as being eligible to benefit from the exemptions in The Gift Tax Act.

Mr. Deputy Speaker: Can we have some order in the chamber, please? There are far too many conversations going on.

Ms. Bryden: Mr. Speaker, going back to the first item, we would of course favour any improvement in the methods of enforcing collection of a tax since, to the extent that legitimate taxes are not collected, the rest of the taxpayers pay. I attempted to point this out recently in questioning whether the Minister of Revenue (Mr. Meen), by diverting his tax auditors to pursuing people who were able to take advantage of that very badly designed give-away programme, the home buyers grant, was costing the taxpayers considerable sums in lost sales tax and corporation tax revenue. I don't think we should let the home buyers grant cheaters get away, but some other method of pursuing them should be devised that doesn't weaken our collection machinery for other taxes.

We favour this part of the bill, which would enable the province to put a lien on the property in Ontario of a non-resident donee to enforce collection. But I have one reservation about it. We know that both donor and donee are liable for payment of the tax, but there is some difficulty in pursuing a non-resident donee. I don't think there is any difficulty in putting a lien on Ontario property comprising a gift to a non-resident, since this is a way of taxing the gift. But there may be a constitutional difficulty in putting a lien on other Ontario property of a non-resident in order to collect a tax on items that are not part of this property.

My first question to the minister is: Has he consulted with his legal advisers about the constitutionality of imposing this kind of collection machinery on the Ontario property not comprising a gift, and does he himself consider that the proposed method of collection would be constitutional?

The second item in the bill relates to the extension of the gift tax exemption for inter-spousal transfers made by way of creation of a settlement or the transfer of property to a trust. In view of the government's need for revenue to reduce its overblown deficit, we are concerned about a request for a further exemption from gift tax. As I mentioned before, an exemption to one taxpayer means more taxes to another or a higher deficit.

To some extent, gift taxes are complementary to succession duties, since they are partly designed to prevent income splitting to reduce succession duties. The government's record in the field of succession duties has been a continual erosion of the tax base, and some very well-off people are benefiting from this. As a result, succession duties as a proportion of provincial revenue have declined from 3.9 per cent in 1964-65 to 0.6 per cent today. They are estimated to bring in only \$60 million this year. The gift tax is bringing in only about \$1½ million a year, but we question whether this pitifully small sum should be further reduced.

[3:00]

I don't know whether he's listening, but I would like to ask the minister how much revenue he expects to lose by this amendment? I understand that only a very few wealthy people would take advantage of the kind of trust or settlement which is envisaged by the legislation. Does the minister have any statistics on how many people are likely to make use of this exemption?

We have decided not to oppose this exemption in principle although we may consider amendments, but we do think that if we were in power the whole thrust of The Succession Duty and Gift Tax Act would be designed to provide greater revenue for the province. We do not feel this particular exemption is significant enough. Unless the minister's figures show that it is going to affect a great many people and affect a great amount of revenue, we do not feel it is significant enough to oppose at this stage. I'm just stating that our position on these taxes would be considerably different from the government's.

The third item, removing the discrimination against illegitimate children, we're certainly in favour of that and I think this should be carried through in all pieces of legislation as is being gradually done. It should be done without delay. Also we would favour recognizing certain defined common-law unions as being eligible for the exemptions under the Act, since it envisages unions which are fairly stable and some where there are children involved as well.

For those reasons, we will support the bill but I would like some answers from the minister on the questions I've raised.

Mr. Breithaupt: Mr. Speaker, as the previous speaker had mentioned, this bill deals with certain continuing exemptions to The Gift Tax Act and, as she had set out, there

are two particular areas which are now being covered by this legislation.

The matter in section 3, which deals with the ability to give an exemption by way of a trust or settlement, has been quite clearly explained in the note. The extension of the lien, as set out in section 5, is also something with which we agree.

It would appear that gift tax is becoming less and less a source of revenue to the government, more particularly because of the capital gains tax situation and because of other general legislation which allows certain policies followed by the government to receive substantial revenues. We have no objection to the continuation of these items as set out particularly in section 3, 4, and 5 and we are prepared to support them.

[With respect to the first two sections, I had the opportunity of speaking with the hon. minister earlier. I understand it's his intention to have this bill go to committee and to wait there in committee until Bill 85 is dealt with so that the various definitions of child and common-law spouse will be the same as those in Bill 85 when that bill is attended to by the Attorney General (Mr. McMurtry) as his estimates are completed.

Section 2, as well, deals with the same requirements as a result of Bill 85 so it is satisfactory to us that this bill receive approval in principle with the knowledge that any corrections in the definitions section will be attended to in committee after Bill 85 has been dealt with.

Mr. Renwick: I have only the one question, and I hope in the course of his remarks the minister will deal with it, which is what was the motivation that led him to introduce the extension with respect to the beneficial interest in trusts and settlements? What specifically made him feel at this particular point in time that that particular kind of abstruse property settlement arrangement deserves treatment now and not only does it deserve treatment now but that it is coming into force on January 1, 1977? I am just curious as to who is awaiting the signal from the minister before preparing the necessary legal documents to give effect to that kind of a trust settlement which will provide an exemption from gift tax to the extent of the beneficial interest.

Mr. Deputy Speaker: Does any other member wish to comment on the bill? If not, the hon. Minister of Revenue.

Hon. Mr. Meen: Thank you, Mr. Speaker. I was just away from my desk for a moment to get confirmation of the source of the re-

quest with respect to inter vivos spousal trusts. I wanted to confirm my understanding. It's the Canadian Bar Association and, as I understand it, also the Institute of Chartered Accountants which suggested that, in the interest of tidying up this area of interspousal gifts which is presently covered and totally exempted under The Gift Tax Act, when a man or a woman makes a gift to his spouse or her spouse respectively that gift is free of any attraction of tax, but where the donor endeavours to establish a trust for the benefit of his wife, or the donor to establish a trust for the benefit of her husband for her or his lifetime, as the case may be, that otherwise in that situation The Gift Tax Act did not provide the same kind of exemption. There is no need that the provision be retroactive and so we decided to make it effective for the whole of the fiscal year—of a calendar year in this case, and therefore to be effective on January 1.

I have noted the comments by the members opposite and, in the order in which the questions were raised, the matter of the constitutionality of taxing other property not comprised in the gift hadn't really crossed my mind so far as the donee is concerned.

The primary party responsible for the payment of gift tax is the donor and, of course, he is responsible for the payment of moneys relative to that tax. In other words, that renders any of his property exigible for the purpose of payment of the tax. But it is when the donor has property that is not attachable or has no attachable property that one wants to look to the donee, and until now, without this amendment, if the donee is non-resident then it is difficult if not impossible to recover or levy against the property of the donee. This section gives the minister the authority to place a lien upon the property which is the subject of the gift when that property is situate here in Ontario. So I am not sure that there is a constitutional problem, and in this sense the property doubtless is good for the value of the tax that would be attracted by it.

The hon. member for Beaches-Woodbine (Ms. Bryden) also raised the question of the revenue effect and how many people are anticipated to be affected. I really have no idea of the numbers of people who would be affected. They would be very small. As indicated in my comments in reply to the hon. member for Riverdale (Mr. Renwick), the motivation for this stems from the professions who are dealing in this area. Their suggestion is that it tidies up an area that otherwise wasn't taken care of under the Act since The Gift Tax Act is in place to protect

succession duty revenues, which albeit may represent a smaller and smaller portion of the total revenues of the province still represent some \$62 million in this fiscal year and therefore is something we can't exactly throw away. It's a sizable amount of money. We want to protect those revenues therefore, and it is essential that The Gift Tax Act be in place, but when we have certain exemptions for succession duty it's appropriate that there be similar exemptions under The Gift Tax Act. The revenue effect, accordingly, is considered to be very small, if not nil. It is so close to zero that we consider it of no particular effect inasmuch as interspousal transfers are ordinarily clear of any gift tax or succession duty implication.

The member for Kitchener (Mr. Breithaupt) has referred to our discussions previously on that. I'm pleased to confirm that it is my intention, namely, that following second reading I will ask that this bill be stood over to the committee of the whole House to await there the completion of the Attorney General's legislation dealing in the more general nature with common law relationships. I'm given to understand there may be some minor variation in his definition of common law spouse and common law child, or illegitimate child, which I will want to parallel precisely, or as nearly precisely as is appropriate, within The Gift Tax Act amendments which are before us this afternoon.

Subject to that, I think I've responded to the questions which the hon. members raised. I wish to express my thanks to them for indicating their support of the bill.

Motion agreed to.

Ordered for committee of the whole House.

INSURANCE AMENDMENT ACT

Hon. Mr. Handleman moved second reading of Bill 155, An Act to amend The Insurance Act.

Mr. Renwick: The bill itself is patent on its face. It simply changes the figures in the particular section 218 of The Insurance Act, to raise the minimum limits under automobile insurance policies to \$100,000 with the consequential changes. The companion bill, Bill 156 amending The Motor Vehicle Accident Claims Act, has the same effect.

I think our concern is, as always, the background of the discussions which the minister or the superintendent may have had with the insurance industry as to whether or not this increase in minimum liability for personal injury and property damage will have any

effect on the level of premiums in the province. It comes into effect, according to the bill, on January 1, 1977. It may be that the insurance industry will feel that they should raise the premiums because the minimum liability is raised. I would like a direct response by the minister to that comment. I assume that the select committee, on which a number of us are sitting, dealing with the automobile insurance industry will likely have an interim report early in the new year. At that time, I would hope we would be able to get away from this arbitrary raising of limits and selecting a particular round figure as the figure which is appropriate and be able to come up with a more intelligent way of dealing with this problem of minimum limits.

With those comments we certainly will support the bill at this time and vote for it. But I would appreciate the minister's comments.

Mr. Cunningham: We too will be supporting this legislation. From my point of view anyway the need for an increase in the minimum liability insurance coverage is evident in so many areas. It wasn't that long ago we had a very tragic situation where a medical student at McMaster was very seriously injured. As the minister is probably well aware, the extent to which she was compensated through this particular fund had no relevance whatsoever to the damages that occurred.

[3:15]

No matter what amount a victim may be awarded, that person in my view still faces the possibility of receiving only \$100,000, since this law will now make that the minimum amount. While I am not entirely aware of or conversant with the matter as well as is my friend, the member for Riverdale, I anticipate the report from the select committee on company law will deal with it.

I would ask the minister whether he would indicate to us what kind of economic basis or relationship there is right now between an increase in the amount of people who are actually participating in voluntary insurance and what possibility higher damages are going to have in increasing insurance rates as they are today. With those few comments, I would only say that we will be supporting it.

Mr. Lewis: Mr. Speaker, I would like to use this opportunity briefly to make a point about the \$100,000 amount that is now available in very extreme and aggravated cases. I don't want to be presumptuous enough to intrude on the interim recommenda-

tions that will come from the select committee. I assume they will guide us. But I suspect it is more than mere coincidence, or maybe it is just mere coincidence, that this bill follows on the Zorsitto case which focused such universal public attention in Ontario on the inadequacy of the previous \$50,000 under section 22(1) of this Act.

I share some qualms about the principle of retroactivity, although I suppose if it's fair it is defensible. I am not sure that one has to formalize anything in that way, but in the atmosphere of this Legislature—(a) in its minority government nature and (b) in the fact that he is introducing the bill and both opposition parties are supporting it—I want to urge upon the minister a possible compassionate reassessment of the Zorsitto case in particular and of other cases which may have occurred in the last two, three or four years which significantly and qualitatively exceeded the \$50,000 limit, to see whether or not the fund is in a position to pay an additional amount of money.

We will never compensate that young woman for the horror of what occurred. I understand that. But there is something that really violates elemental principles of justice in offering \$50,000 for a claim which I believe was honoured in the courts at \$350,000 or something in that area.

I am suggesting that in the Legislature now that the minister would find no opposition at all to the particular Zorsitto example and I urge that that be made available.

If it is coincidence, what can one do? But there is something terribly awkward and unsettling about the fact that in this one case, which made it all so vivid for everybody, she is entitled to the \$50,000, while on January 1, 1977, we are making it \$100,000 and the court awarded \$350,000. It is like compounding the injustice in the process.

I am sure there can't be many such cases in the province of Ontario, so I am asking the minister whether there is some retroactive clause that might be looked at or, if that is offensive for a whole variety of legal and social reasons which I wouldn't pretend to understand, whether there are some compassionate grounds on which the minister is given the right to extend the amount in these cases, which were prejudiced because they occurred before this amendment. I think the minister would find—I hope I am not being presumptuous—that the opposition parties and the Legislature would support him.

On behalf of that principle, I urge the minister to consider it carefully, because I

have been frankly surprised at the range of public awareness as a result of the Zorsitto award and the sense of some terribly unhappy injustice inherent in what we have been unable to provide that young woman. I take it there may be other analogous cases.

Mr. B. Newman: Mr. Speaker, I want to make a few comments concerning this legislation as I am quite familiar with Dr. Zorsitto. The family and relatives live in my riding and I received a substantial amount of correspondence from neighbours, friends, relatives and concerned citizens in the community. I don't intend to read the comments they made but they were one and all alike in their request for substantially raising the maximum.

The minister is raising the maximum from a \$50,000 limit now to \$100,000. In their communications even to the Premier (Mr. Davis) they suggested a \$500,000 maximum be set. The \$500,000 which may have been provided to Dr. Zorsitto in this instance in no way would have really met the earning power that Dr. Zorsitto could have had were she fully able to use all of her faculties. Dr. Zorsitto's case is one that could exemplify the need for a far greater increase than is being suggested by this legislation.

I too would join with the Leader of the Opposition (Mr. Lewis) in suggesting to the minister, through you, Mr. Speaker, that there be some type of retroactivity so if we can't resolve her problem medically maybe we can financially ease some of the problems she is going to be confronted with for the balance of her life.

The Premier did reply to the series of petitions which were drawn up by the residents in my riding but he mentioned that the select committee studying this would come down with recommendations and more than likely those recommendations would be the ones which would be studied by government and may be implemented. I would like to say that I would strongly recommend to the minister that he give consideration to some type of compassionate retroactivity for Dr. Zorsitto; that he take into consideration the strong public opinion that has been generated as a result of this unfortunate accident; and that he look at the series of editorials which were published in papers all across the province. I happen to have a series from the Toronto papers and, I think, one from my own local paper recommending a substantial increase in the minimum.

I support the bill, only hoping that there could have been a little better accommoda-

tion for Dr. Zorsitto as the result of being an innocent victim. Surely we have to protect the innocent in our society and if we can protect them financially all well and good.

I would also like to bring to the attention of the minister that in accidents involving the automobile in the United States there has been a new approach as far as the injured individual was concerned. The injured individual now is suing the state because the state provided the driver's licence to the individual who was involved in the accident. In many cases, especially in cases where the individual was elderly or had some type of physical or emotional problem, the courts maintained that the state should not have issued a driver's licence to the individual but because it did issue one, the state was responsible. As a result of the suits many of the states have been required to pay substantially more than the minimum amount carried by their legislation.

Mr. Breithaupt: Mr. Speaker, as is the member for Riverdale (Mr. Renwick), so I have the pleasure of being a member of the select committee which at the present time is reviewing the law of automobile and vehicle insurance within Ontario.

The amendments that have been brought forward in Bill 155 are in areas which have been discussed at some length by the select committee of the House. Without anticipating what the report of that select committee might be, I do expect that certainly this particular area will be looked into because the matter of the \$50,000 limit is something which does concern all of us.

Of course, the response has been that the \$50,000 figure is one of the highest, if not the highest, of the various provinces and states of the United States at the present time and that by increasing it to \$100,000 we are certainly, in Ontario, going to the top end of all jurisdictions within North America. That certainly, I think, is worthy of comment because the actions of the Legislature in moving to that point are ones which no doubt will be followed by many other jurisdictions.

So the limits, which are now very high, are going to become the highest of any jurisdiction in North America. It may well be, of course, that the select committee will refer to this item even further, with respect to the areas of unlimited liability and some of the other things which we learned about more particularly as we were in Zurich reviewing the situation of European insurance coverage. In any event, this is certainly a first step which I think is to be commended and which

will no doubt lead to further action on the part of the Legislature.

Certainly the need for an increase in the minimum liability insurance coverage is evident from some of the recent awards which have been referred to earlier in the House. Because of inflation, of course, the costs of repairing and replacing vehicles, the matter of hospital charges and the matter of lost wages and other such expenses have all been increasing. In addition, the trend towards higher awards has been firmly established, and there is no doubt of it from the particular case which has been referred to by my colleague from Windsor-Walkerville (Mr. B. Newman), particularly that of Dr. Zorsitto, and in several others that have been brought to the attention of the House from time to time.

There are no doubt many other awards that have been higher than this \$50,000 amount when the victim has been the victim of an uninsured driver and where, of course, the chance of collecting any more funds for awards given by the courts is otherwise lost. It is interesting to note, Mr. Speaker, that most private insurance companies have said that they would be willing to readily offer half a million dollars in liability coverage. They apparently see no particular problem in providing this kind of limit, or indeed a million dollar limit as some drivers have now. In fact, many companies have been encouraging their policyholders to increase their own present limits of \$200,000 or \$250,000 to this liability figure of \$500,000. The extra cost, of course, is not very high.

In some figures obtained from the Insurance Bureau of Canada, setting a liability coverage at \$35,000 and saying that the premium is \$100, we see that \$50,000 would cost \$109, \$100,000 \$115, then moving up to half a million would cost \$129 and, finally, \$1 million would cost \$136 on that percentage scale.

To go, for example, from the \$50,000 figure to \$100,000 figure would be a premium increase from \$109 to \$115. In other words, perhaps four per cent or five per cent. So the cost is not a great one for the average driver, and, presumably, the risk effect and the resultant claims on the fund will be such that increasing these limits will not prove to bring an unexceptional burden to the fund. It is still really pretty cheap insurance coverage for that proportionate increase which would benefit the average driver, and I'm

sure would benefit very much the unfortunate victim of the uninsured driver.

The whole matter of the uninsured driver is something which, of course, relates particularly to this matter of the motor vehicle accident claims fund.

[3:30]

Compulsory automobile insurance is a subject which we have discussed also in the select committee and I would expect that some recommendations may be made with respect to the subject. However, we are informed that in Ontario some 92 or 93 per cent of drivers are already insured directly by their own activities. This is a much higher percentage than exists in many of the states of the United States which have as a result brought in compulsory insurance to try to bring up by a large proportion the number of insured drivers within their state. Indeed that has happened and has been discussed to some extent within various provinces as well.

Where well over 90 per cent of the citizens are voluntarily dealing with insurance companies and insuring themselves it becomes somewhat more questionable that the matter of compulsory insurance will, in effect, get the attention of the last few percentage points of the people who apparently are somewhat negligent in the way they see their possible responsibilities or who simply don't care and have not the resources in any event to deal with any unfortunate accident which their activities might bring forward. The matter of compulsory automobile insurance may not necessarily resolve the problem even though it's something at which we are looking.

The matter of the driver review board which, again, would deal with setting out the kinds of terms upon which this fund might be called upon less and less by proportion is something, as well, which the select committee may review.

I understand that the motor vehicle accident claims fund at the present time—at least in June, 1975—had some 140,000 persons paying their \$40 fee out of the three and a half million vehicles registered in Ontario. Since that time the fee has increased to \$60 and I understand that the latest figures are that some 112,320 driver-owners have paid into that fund. We know that the fee is going to go to \$100 and it would appear that that increase might well cut into this uninsured driver total. It would appear that any increase in the uninsured

driver's fee has always resulted in a rather substantial drop in the patronage of those persons who pay this amount and who are given a licence to drive without insurance.

Unfortunately, many of them think that they are insured in some mystical and magical way through the payment of this fee. I suppose one cannot repeat too often the fact that they are not insured. They are simply getting permission to drive and will have full responsibility, as a result, for any damage which is caused as a result of an accident in which they, as drivers, might be found to be negligent.

In effect, the increase in the fee has cut, perhaps by a quarter, the number of persons who had paid this amount the last time it was raised. As a result we might, perhaps, have a further cut by 25 per cent or so and get well below the \$100,000 figure when this \$100 payment does come in.

I do commend the minister to the point that by bringing in this legislation he does, by the activities of his ministry, bring Ontario to the lead of the kinds of levels for this \$100,000 amount which puts us well ahead of every other jurisdiction in North America. It is something which is a good step and it is something, indeed, which may go a long way to resolving at least a number of these unfortunate accidents which fall within that \$50,000 to \$100,000 limit.

I don't know if there is any practical way of dealing with these three or four exceptional cases but I commend to the minister, too, some consideration of these particular hardship matters. It's always difficult to amend a statute because of the old legal saw that says a hard case makes bad law. Obviously we cannot legislate for the exception but surely there is a good compassionate approach which should be taken in some of these particular things. I, too, commend to the minister the comments, not only by the Leader of the Opposition (Mr. Lewis), but also by the member for Windsor-Walkerville (Mr. B. Newman) who asked that this particular point be reviewed.

Of course, we will support this bill and the companion item of Bill 156, and we commend the minister for bringing it forward at this time.

Mr. Deputy Speaker: Does any other member wish to speak on second reading? If not, the hon. Minister for Consumer and Commercial Relations.

Hon. Mr. Handleman: Mr. Speaker, it appears that both Bill 155 and Bill 156 have

been thoroughly discussed and without any distinction between the two bills. So I think I might respond to the arguments on both bills without really identifying the bills.

The member for Riverdale (Mr. Renwick) asked about discussions with the insurance industry and, of course, we had none until such time as the bill was introduced. We have had some unofficial response from them since that time. They're prepared to absorb the retroactive coverage which is required by the bill because, effective January 1, all policies then in force which do not carry \$100,000 minimum will be deemed to have coverage of \$100,000 minimum, and there will be no additional premium for that.

Future premiums, of course, are based on claims experience and this will undoubtedly be a factor. As the member for Kitchener (Mr. Breithaupt) pointed out, there is a minimal effect on the total insurance premium for vastly increased coverage. This will only affect something like five per cent of the drivers who are now insured for less than \$100,000, so to that extent it's a very small total bill for the drivers of Ontario to carry.

Certainly the \$100,000 is an interim measure and, despite the fact that it may be the highest in North America, I feel that perhaps some thought will be given by the select committee to that particular aspect because \$100,000 certainly is not sufficient to cover some of the judgements which our courts have been awarding recently. I hope the select committee benefited from discussions in Great Britain, where I understand there is another system in place which seems to meet the needs of the population there. On the other hand, it appears that the awards in Britain are not affected as much as ours are by the experience of American courts. I think this is one of the unfortunate imports that we've taken from American jurisprudence.

On the question of retroactivity to cover the very unfortunate cases, and Dr. Zorsitto's name has been mentioned, it should be pointed out that Dr. Zorsitto, despite the tragedy of the situation, is certainly not the only person affected. Dr. Zorsitto is affected by the maximum amount payable out of the motor vehicle accident claims fund. There's no question in my mind that any compensation regardless of the amount would not be sufficient to compensate for the damage done, or the loss suffered by Dr. Zorsitto. There are however, others wherein the driver had insurance, not covered by the motor vehicle accident claims fund.

In one case, the driver had \$100,000 insurance—that's the Bonnie McLeod case—

where the courts awarded a half a million dollars in damages. Obviously there was nothing that the motor vehicle accident claims fund would be able to do under those circumstances, unless the government was to take the position that all awards over the amount in insurance would be carried by the taxpayers of the province.

I don't think hon. members would suggest that for one minute. The McLeod case brought forward, as I recall, an open letter—and I think all members received a copy of it—in which a great case was made for the driver of the automobile, who, as the writer of the letter put it, was involved in what is after all only an accident, despite the finding of the court that there was complete negligence, and therefore that driver should be completely absolved of any responsibility over and above the amount of insurance carried.

I must say to all members that I am pleased that none of them responded affirmatively, although I did have one cabinet minister from Ottawa support that position, and my response to him was, I think, quite blunt, that in that case I had no sympathy whatsoever for the driver, and that the victim was the one we should be concerned about.

I don't know what the answer to those extreme cases is, and as the Premier (Mr. Davis) wrote in his response to the family and those who petitioned him, we do hope that perhaps the select committee will be able to give us the answer. I have looked at some of the statistics and there is no question in my mind that inflation has played a great part in making our \$50,000 figure obsolete in both Acts. In the fiscal year 1971, there were only two cases that the motor vehicle accident claims fund was faced with over \$50,000. The next year that went to 8,000, then to 13,000 and then to 15,000. In the last full fiscal year—that is, the fiscal year ended March 31, 1976—it went to 38,000, and in this fiscal year to date it's 24,000. So, over the past four years, we are talking in terms of almost 100 cases where the awards were over \$50,000. And that is only out of the motor vehicle accident claims fund. I have no statistics that would indicate where the driver of a car carried insurance of \$50,000, \$100,000 or \$200,000, that the award of the court was above that.

I think it should be recognized that the principle of insurance is to provide compensation to an innocent victim but not to relieve the negligent party of responsibility. This is one of the reasons why proposals for no-fault insurance have been received coolly by those

who are concerned about the responsibility for a negligent action. We certainly cannot relieve people who are negligent of their full responsibility.

In the Zorsitto case I reviewed the driver's record, which fortunately was available from Transportation and Communications, despite the claims of some people that it should not be, and I was aghast at the person's record. The member for Windsor-Walkerville (Mr. B. Newman) pointed out that some governments are being held responsible by the courts in the United States. My own feeling is that that driver should not have been permitted on the road in Ontario because of his driving record. He was. To that extent I think we all collectively bear some responsibility for the fact that we permit people with that kind of a record to continue to infest our highways.

I certainly will discuss with my colleagues what measures can be taken for Dr. Zorsitto, the McLeods and the other extreme cases, because I think everyone will realize that it is simply an ex gratia payment out of the Treasury to these people. There is no legal basis for such a grant, and that is what it would be; it would be simply a grant. It would not be a payment out of the motor vehicle accident claims fund, because there is no provision for that.

I think hon. members recognize that in bringing forward this measure the government looks on it as an interim step only, and we hope that there will be a great deal more added to our store of knowledge as a result of the select committee's findings and that their recommendations will lead us into a permanent solution to a problem which has become more and more irksome, both to my ministry and to the government and, I suppose, to all members of the Legislature. Certainly there is no question in our mind that the Zorsittos, the McLeods and others deserve more than we have been able to give them. I really don't know what the answer is.

I think I should point out that the increase in the motor vehicle accident claims fund, while it has had some salutary effects on those people who have been steered to insurance by it, may also have led to a large number of people who have neither taken out insurance nor contributed to the fund. Obviously we don't know how many of those there are. I hope again the select committee will devote itself to some solution to that problem. Undoubtedly, we will have to enlist the aid of the industry in letting us know who has taken out insurance. We'll also have to have a much faster method of determining those who cancel insurance, because even now a person

can obtain a driver's licence quite legally, having paid the first instalment on an insurance premium, and cancel it the next week. Despite the sophistication of the insurance companies, they seem to have great difficulty in being able to retrieve that information in order to notify us of those who are driving illegally.

Mr. Good: Is it illegal to cancel your insurance?

Hon. Mr. Handleman: No. It is not illegal to cancel the insurance. It is illegal to drive without insurance and not have contributed to the motor vehicle accident claims fund. Many people have done neither and therefore are driving illegally. Those who have taken out insurance and cancelled it without notifying the Ministry of Transportation and Communications are, in fact, driving illegally. We have no way of retrieving that information. We hoped that the industry would have, and we discussed this with them. They have said it would require a great deal of software to be fed into the computerized system. I don't think that that should be an insurmountable obstacle.

There seems to be general recognition that financial compensation alone is not sufficient for the extreme cases. It does seem to me that society, having permitted people who should not be driving to drive, does have a responsibility; and obviously society in this case is represented by the government. How we meet that responsibility, I confess to all members, I don't know. Simply increasing the limits would not be sufficient, in my view, because there will be judgements over the limit, no matter what limit is placed on it. If we have unlimited compensation, then obviously that will involve a cost to the people of Ontario and it's a cost that they should know. I'm pleased the members have accepted this interim measure—that's all it is—and that they are going to give it their support.

Motion agreed to.

[3:45]

INSURANCE AMENDMENT ACT

Hon. Mr. Handleman moved third reading of Bill 155, An Act to amend The Insurance Act.

Mr. Grande: I have some comments on third reading. I asked the minister earlier this morning and I understand he was not able to dig up the information; I called the secre-

tary of his deputy minister, and he did mention the fact that there were about 100 cases in which the settlement has been \$50,000. I wonder if the minister could give us an idea of whether these settlements had been between the years 1969 to December 31, 1973? How many of those 100 settlements had been at the \$50,000 mark? How many have been from January 1, 1974, to the present time, of which he knows?

Hon. Mr. Handleman: First, this matter is related to Bill 156. I assume the hon. member will accept we are now talking about Bill 156 in third reading of Bill 155.

The figures we have indicate there were 23 cases wherein the judgements, not the settlements, were in excess of \$50,000, but since there was a \$50,000 limit on the motor vehicle accident claims fund that is all that was paid. The settlement was \$50,000 but the judgement was more than that.

From April 1, 1974—that is in the last 2½ fiscal years—we're talking in terms of 87 cases wherein the judgements were in excess of \$50,000. I think that was the information I gave the House previously during second reading debate.

Motion agreed to.

MOTOR VEHICLE ACCIDENT CLAIMS AMENDMENT ACT

Hon. Mr. Handleman moved second reading of Bill 156, An Act to amend The Motor Vehicle Accident Claims Act.

Motion agreed to.

The following bill was given third reading on motion:

Bill 156, An Act to amend The Motor Vehicle Accident Claims Act.

MUNICIPAL AMENDMENT ACT (continued)

Resumption of the adjourned debate on the motion for second reading of Bill 149, An Act to amend The Municipal Act.

Mr. Norton: I realize, Mr. Speaker, that the hon. member for Welland-Thorold (Mr. Swart) was in the process of making some comments when we adjourned on the last day. I wonder if I might make a couple of comments in response to some of his earlier remarks, which might be of assistance to the members.

Mr. Deputy Speaker: It is on second reading and since you only have an opportunity to speak once, I think perhaps the hon. member for Welland-Thorold should complete his comments.

Mr. Norton: Very well.

Mr. Swart: Thank you, Mr. Speaker. When the bill's second reading was introduced, I had dealt with most of the bill but there are a few comments which I still wish to make. I had mentioned at that time that I was very much concerned about the lack of time for consultation with the municipal associations and the municipalities on this bill and I intimated they had expressed this concern. I also stated at that time that I was concerned about the indifference of the Treasurer (Mr. McKeough) which he has apparently continually shown in this House to municipal matters. He has not been here when any of the bills have been dealt with since a year ago last September pertaining to municipal matters. It seems to be pretty low on his priority. Perhaps there should be a Minister of Municipal Affairs who could give full time to this matter when it is in the billions of dollars annually of the taxpayers' money and even in the billions of dollars of provincial funds in the total transfers to local government.

I stated at that time that we would support the bill in principle so it could go to the committee of the whole House for second reading and that we would be making some amendments at that time. I won't deal with those areas in which I said we would make some amendments that I have already covered. I want now to turn to page 7 of that bill, to the matter dealing with the repeal of paragraph 86 of subsection 1 of the said section 354, which is the section which now gives permission to municipalities to prohibit the use of trailers, except in trailer parks, for continual habitation.

I would like to ask the parliamentary assistant, when he rises to speak on this bill, if he would particularly address himself to the question of whether this will eliminate the prohibition by municipalities with regard to licensing trailers which may not be in trailer parks. They do specifically now have that right; and certainly it has been ruled on many occasions that the right to license is not the right to prohibit. If this applies in this case, then will this mean that a municipality must, within its residential zoning, permit the use of trailers for residential purposes, if they are on certain size lots and under certain conditions?

I should say that I am in general agreement with the thrust of this but I am not sure whether they will have the right to prohibit. It could be a real concern in many residential areas if they could not prohibit the use of trailers in a residential area. Therefore, as I say, I am asking him to address himself to this. Whether we will move an amendment will depend on his answer.

I realize that much of paragraph 15 is a duplication from the previous Act. There is only a minor change and I don't disagree with the change which is proposed. But because the section is dealt with in total and includes the limitation of \$20 per month payable by the owner of a trailer camp for each such lot where a trailer is located for continual use as habitation, we will take the opportunity in the committee stage to ask that that limitation be removed. The limit of \$20 per month, of course, is a maximum of \$240 a year which can be paid to a municipality in lieu of taxes, or perhaps in way of taxes, for a trailer which is being used as a residence. It seems that with the trend towards more luxurious trailers that it is inadequate in many areas to have the limit of \$20, and therefore we will be moving an amendment to eliminate that \$20 limitation.

Permission is also given in this Act for a municipality to send out separate bills for municipal taxation and for educational taxation. We basically agree with that and I am sure the parliamentary assistant will give some assurance that the degree to which the tax bills are considered separate with regard to payment of taxes, instalments, and so on, should be limited, and that we don't get into having two whole separate tax systems for education and for municipal taxation.

That concludes my comments on second reading of this bill. As I say we will have some amendments to move when it goes to the committee of the House.

Mr. Good: I have a few comments on the bill. Many of the sections of the bill reduce from a two-thirds requirement to a simple majority the vote of a city council acting on certain things. There are a wide variety of measures which did require two-thirds of the vote of municipal councils previously. This is reduced to a simple majority and I think that is a good move.

It is hard to designate which matters of council are that much more important than other matters, and which therefore would require support by more council members, up to the two-thirds amount. I think it certainly is a worthwhile move to reduce the

two-thirds to a simple majority and make that uniform and constant, no matter what matters councils are dealing with.

The municipal code to cover a wide variety of bylaws is something which I am sure will simplify administration. People going in to look at the bylaws of a municipality pertaining to a certain subject will be able to see a collection of those bylaws in a municipal code, and that code then will be passed as one bylaw.

Other sections in the bill deal with the extension of debenturing from 10 to 20 years for certain garbage and refuse expenditures, and from five to 10 years for the purchase of road-making machinery. I am sure this will facilitate financing and the issuing of debentures for these matters in the municipalities.

The one thing in the bill which has drawn some debate is the provisions of section 296 of The Municipal Act, which now allow municipalities, both above or below 20,000, to change the terms of their debenture issue with the approval of the OMB. They find in practice that sometimes part of an issue will be sold and then for reasons of the daily fluctuation of the market a municipality will find that the rest of that issue cannot find a buyer. This, of course, leaves the municipality in a very awkward situation and there are only two alternatives: Either the debentures have to be sold with either a premium or a discount, depending on which way the issue is fluctuating, whether to the advantage or disadvantage of the municipality, or to change the interest rate. I had been told that the bond houses are very reluctant to pay the premiums or to buy at a discount in order to correct the interest rate.

[4:00]

So there has been provision for municipalities to change the terms of their issues half way through the sale, or even the amount to be issued or the interest rate. But the biggest problem, of course, is changing that interest rate.

Previously, all municipalities required OMB approval to change the interest rate on any issue during the terms of its sale. Under this amendment municipalities under 20,000 would be able to change that interest rate only with OMB approval, and municipalities over 20,000 would be able to change the interest rate at will without OMB approval, provided that rate did not go more than one half of one per cent.

I'm told that it's a very critical matter, when debentures are being sold and the interest rate is changing almost on an hourly

basis, and time, of course, means money to that municipality. The large municipalities which are putting out large issues must be able to change that rate almost on the spur of the moment or almost hour by hour to ensure the sale of that debenture or to ensure that they're not paying more than they should be if the interest rate is falling. I concur with the assumption that large municipalities which have sophisticated procedures and a very competent and large enough staff to handle these facilities will, in fact, benefit from this amendment in that they will not have to receive OMB approval if they want to change the terms of their debenture issue. Consequently, they can change their terms best suited to the sale of those debentures and for the benefit of the municipality.

Then we go to the other part of the amendment, which says that municipalities under 20,000 still retain the same provisions that existed in the section previous to this amendment coming in. Personally, I can't see too much wrong with that. In many other instances we differentiate between the large municipalities and the small municipality. First of all, the Ontario Municipal Improvement Corporation is available for all municipalities under 20,000. Municipalities over 20,000 population cannot avail themselves of the services of OMIC, because OMIC provides funds to buy debentures only for municipalities under 20,000.

Mr. Swart: The last resort.

Mr. Good: Consequently, the greater proportion of financing done by municipalities is done through OMIC, and the issuing of debentures on the public market is not very common by municipalities under 20,000. If they are issuing they're usually much smaller issues than they would be for a large municipality. I think the point could well be made that a small municipality cannot afford to have highly trained personnel on the staff simply to service this debenture procedure which comes very seldom on the public money market. So it only makes sense to me that this should be retained for the simple reason that the staff in those small municipalities, I'm sure, would look on it maybe as enjoying the protection of the OMB before these decisions are made.

While the previous speaker had indicated that they don't think this is right, that it is discriminating, I personally feel there are valid and good grounds for making a difference between those municipalities that do most of their financing through the Ontario Municipal Improvement Corporation, and

those larger municipalities that have to go to the public money market for all their financing.

Incidentally, municipalities can now collect dues of up to one-half of a mill from the ratepayers for the Ontario Federation of Agriculture and no ministerial approval is required any more for that particular operation.

There's another section in the bill which is very interesting and that is the matter that deals with the municipalities now being permitted to levy a sewage surcharge on the water bill and do it legally. My own opinion is they've all been doing it for years and years and it has been shown, I believe, if I'm not mistaken, in some court action that there has been no authority.

I checked with my own municipality and I find that the revenue derived from the sewage surcharge is shown as taxation revenue. While municipalities can issue this surcharge on taxable property the crunch has come where this surcharge has been levied on properties which have been exempt under section 3 of The Assessment Act.

I presume this section is put in here to legalize the practice which has existed for many years. In my own municipality, it would be ridiculous to think the municipality would not receive a sewage surcharge, say, from the university which is exempt from taxation under The Assessment Act. Over the years the university has required expansion to our municipal sewage treatment plant which would not otherwise have been necessary.

If this is the purpose of this—to legalize what municipalities have been doing—I would say it's about time it was done. The only thing that concerns me is that this amendment is in The Municipal Act. It's also in The Regional Municipalities Acts—in The Regional Municipalities Amendment Acts—which apply to many of the regions. I suppose the reason for that must surely be that in some areas the regions are distributing water and collecting sewage and in other areas it's done by the lower municipality.

I hope the parliamentary assistant (Mr. Norton) will assure me that there will be no double surcharge allowable by an area government and by a region because this is happening on lot levies across the province—the impost charges—and, in my view, it's a poor way to raise money by having both the area government and the region imposing lot levies. The way I read this that is not the case but I want the parliamentary assistant to assure me that there will be no double impost system—at least, no double surcharge

on sewage—at the local level and at the regional level. This amendment is in both the municipal bills and the regional bills.

The bylaws to prohibit and control animals within a municipality are being considerably tightened up and there is more control by the municipality. One interesting section for those who haven't read the bill is that the appointees on the downtown improvement board—the appointees by the corporation—must also be persons who can be elected to or are qualified to be elected to city council. That has always been the case of appointees on the board of the downtown merchants but now corporation appointments will have to have that as well.

There's one interesting amendment here and that is that we're taking out something which we put in about a year ago. I'm sure it's not more than a year ago that we required municipalities entering into an agreement with a development corporation to put up something for security. I remember when the bill came through; the way it read it sounded to me as though the municipality would have to mortgage its city hall or one of its buildings in order to get this money from the development corporation. At the time, I suggested that this was a ridiculous procedure because surely a municipality's credit is based on that municipality's ability to raise money and nothing more; not whether it has a big city hall or a small holding in property but certainly on the municipality's ability to raise tax dollars. That's the basis on which all decisions on the credit of that municipality must be based.

We put the amendment in The Development Corporations Act and the amendment in The Municipal Act that the municipality had to pledge some asset when it got money from that procedure out of The Public Utilities Act last spring, and I'm glad to see now that we're taking it out of The Municipal Act, because it should never have been put in there about a year and a half ago when it was put in.

The trailer bylaws which the municipalities have been able to pass at present in The Municipal Act will be repealed in January, 1979. In the interim the procedure will be that the municipalities will have to pass bylaws. I hope that municipalities are made aware of this amendment, because some cases, I'm sure, are going to arise in 1979 and municipalities will find that their bylaws are no good and they haven't made any provisions in their zoning to accommodate trailers. There could be quite a problem in that regard. I think it is going to require immediate action in many municipalities to change the

method in which trailer parks and the use of mobile homes in that particular municipality can be regulated. I hope that they recognize the significance of this.

I am not at all impressed with the amendment in here which gives the municipality the right to send out two tax bills. I really think it's just showmanship to try to divide the education portion of the tax bill and the municipal portion of the tax bill into two tax bills. It's shown separately on the present tax bill. It's a needless cost in my view involving more paperwork and more administration. I hope the ministry realizes that in municipalities, where there are, say, two interim tax bills and two tax bills after the mill rate has been set, or even one, that would mean six or eight pieces of taxation documents coming into a household.

Can you imagine the confusion this is going to have for elderly people who get their tax bills? They look at the total and look at the amount of education tax and the amount of municipal tax. You say goodness the education cost is now more than the municipal cost. In many municipalities it is. It's the major portion of the tax bill. Putting that on two separate pieces of paper is not going to change matters one little bit. I think this thing must have been put in here to satisfy some municipal councillors who feel that it's a great thing to talk about in the year of municipal elections.

I understand the extra staff for the trial run that was done in Sudbury cost about \$10,000. Certain people in the region are extolling it as the greatest thing since sliced bread, but I don't think it makes one little bit of difference whether your education taxes are on one piece of paper and your municipal tax on another piece of paper or whether the two are shown separately on one piece of paper. I think it's all just a lot of window dressing—that is the word I was looking for.

Furthermore, I understand that there now is a committee under the provincial-municipal liaison group that is studying the whole matter of tax bills and trying to come up with a standard tax bill. It don't think this is any time to be fooling around with issuing two tax bills. It is more paperwork. Some of the municipalities I've spoken to are not in favour of it. They say much more administration will be required. The large mortgage companies that are paying taxation on houses certainly don't want to get six tax bills a year instead of three. They're fed up with the administration of it now. The municipalities rely a great deal on getting a great portion of their tax money in from mortgage companies. They like it. They get it all in one

bundle of money and it certainly simplifies their administration.

I think that this thing is more window dressing than it is of practical value. That concludes the major portion of my remarks. We can go into other things in detail in committee of the whole.

[4:15]

Mr. Deputy Speaker: Does any other member wish to discuss this bill on second reading? If not, the hon. member for Kingston and the Islands.

Mr. Norton: Thank you, Mr. Speaker. Perhaps at the outset I could direct some remarks to the hon. member for Welland-Thorold on his concern about the consultation. Actually I am surprised that he was not already aware of the fact that there had been very extensive consultation taking place.

As I have said before in the House, one of the limitations that I and people in our ministry are faced with is that there has to be some consideration, primarily I think, of our responsibility to this House. So that has always confronted me with a situation where I am hesitant to go to municipalities with drafted legislation before the legislation is formally before this Legislature. And that does not mean that there is no prior consultation. I can assure you that in the case of this legislation, in almost every instance, the amendments that are being proposed to the House at this time originated with the municipalities and arose out of consultation with those municipalities.

In addition to that, the hon. member was present at the PMLC meeting last month when, although the bill was not at that time before this House, I did discuss with the municipalities represented there and it is representative. However, subject to criticism from the members opposite as it may be, it is nevertheless there to represent the municipalities of this province. I did discuss with them the principles involved in the legislation that we were presenting during this session.

At that time, I anticipated, considering the way the business of the House was proceeding, that we would be some two weeks or more from the time of the first reading of the bill before it would come on for second reading. With the re-ordering of the business to some extent, we are proceeding earlier than we expected.

Upon realizing that, I immediately contacted the chairman of the PMLC, advised him of that fact and pointed out that what I would request was that, although we were going ahead with second reading at this time,

I would ask that each of the bills, all six of the bills, would go to committee of the whole House and would ask that that be delayed. I have discussed that with the House leader. I hope that the other parties will co-operate, that these bills will not be dealt with in committee of the whole House for from 10 days to two weeks from the time of second reading. I hope that that will afford ample opportunity for some further response from the municipalities.

In addition to that, on the day in which the bills were introduced in the Legislature, copies were sent to all of the municipalities affected. Now, we are not responsible for the postal service in this country. I understand that some did receive them as late as two or three days ago. However, I can assure you that the copies were sent out at the time of their introduction in the House. I am not sure that I really should comment on the suggestions made by the hon. member opposite with respect to the alleged indifference of the Treasurer. I can assure him that it is easy to say those things when the Treasurer does not happen to be present in the House, perhaps that's a consequence of his absence at the moment.

Mr. Deans: If he wanted to be here he could. He doesn't have to give you the job.

Mr. Norton: I think the hon. member opposite realizes that the minister has a very demanding ministry and there is—

Mr. Swart: That is why it should be divided.

Mr. Norton: —in this instance an area in which a parliamentary assistant may be of some help to him. I should think that he ought not to be subject to criticism for utilizing the services of a parliamentary assistant, however effective or ineffective that particular individual might be. But I can assure you that the Treasurer has a continuing and active and responsive interest in municipal affairs in this province. He is well aware of everything that is going on in this legislation and has had an active part to play in it.

Mr. Swart: He just hasn't got time.

Mr. Norton: In response to some of the specific comments on sections in the bill—first of all with regard to the changing of terms of unsold debentures, that's in section 5. The hon. member raised some question again about the 20,000 population cutoff. I would point out to him that that is not as meaningless as it may sound as has been pointed out, I think, by the hon. member for

Waterloo North (Mr. Good). In fact, under the provisions of the Ontario Municipal Improvement Corporation municipalities with populations of less than 20,000 may apply for loans for any municipal purpose. That is not something which is available to municipalities of over 20,000. They may borrow but only for specific purposes.

In contemplation of this particular amendment that was an important consideration. The smaller municipalities often function with a clerk, and relatively little expert advice or professional advice in the area of finances. As a consequence the provisions of OMIC are extended to them on a much broader scale than to larger municipalities.

Also the larger municipalities are dealing in larger sums and must react more quickly in order to make savings when there are fluctuations in the market in order to make sure that their debentures are moving. I think it's worthy of being mentioned as well that we have not had a single request, to my knowledge, from a small municipality or municipality of fewer than 20,000 for such a change, although we have had, certainly, from larger municipalities faced with more severe problems.

On the question of the trailers—the provisions which would eliminate the prohibition of trailers within a municipality—it is intended, as is evident from the note, that the municipalities would utilize land-use planning methods and would view the prohibition or otherwise of trailers as part of their land-use planning process.

The hon. member for Welland-Thorold raised the question as to whether or not it would allow for prohibition by the licensing power. I think the intention is that any prohibition would be done through zoning by-laws and I'm assured by the persons in our ministry that the power could very well be exercised in that way. That's why it has been proposed that it not be effective until 1979, because we are aware of the fact that there are in excess of 100 municipalities in the province that do not have zoning bylaws at the present time. We want to be sure that they have ample time to get such bylaws into place, and can also assure you that we will be bringing to their attention the need to look seriously at this right away, with the date of 1979 in mind.

On section 15, the member for Welland-Thorold also raised the question of the \$20 fee as the ceiling and was going to suggest that that be removed. I would ask that he consider that very carefully, because the

reason we are going with that in this point in time is that we are engaging in further consultation with the municipalities—we have been for some time—on the question of fees. There has been presented to the PMLC a discussion paper that was prepared within the ministry on the question of fees and fees chargeable by municipalities and we are still awaiting a response from the PMLC on that discussion paper.

I would not want to start without having an overall policy. This is what we're trying to arrive at with the municipalities, an overall policy with respect to fees, and I would like to encourage you to leave this as is for the moment until such an overall policy can be used as the blueprint for any changes.

On the question of the separate tax bills, I believe there were two issues that were raised. First of all, I am sure members are aware it is permissive. There is nothing here that is going to make it mandatory for municipalities to issue two separate tax bills. Again, I think that if we really mean what we say in terms of allowing the decision-making power at the local level to be effective, surely such things as this have to be granted to them. They can use their own good judgement in deciding whether it is appropriate or not in their municipalities to issue two separate tax bills.

I am aware of the fact that there would be certain additional costs involved and I am sure they would be when they considered that course of action as well. However, I am not sure that those arguments alone are sufficient to deny them even that option when they are faced with the kinds of demands that are—we all know why municipalities have been requesting this, because of the—

Mr. Good: More than one?

Mr. Norton: Yes, more than one. Many more than one as a matter of fact. There is one that has already gone ahead and done it and it certainly has not been challenged. There are differences of opinion as to the legality of the step that they have taken, but it certainly is not clear that it is not a legal step. This would clarify the matter. There would not be any duplication of tax billing procedures with the exception of the bill itself.

The function and the responsibility would still remain with the municipality and it is not a matter where they could now say to the school board, "Okay, you set up your own taxing department and send out your own bills." Clearly the responsibility rests with

the municipality. The only additional authority would be that they can send out two separate bills if they choose to in their area.

The only other thing that comes to mind immediately that was mentioned was the concern that was raised with respect to the possibility of a double surcharge on sewerage. I can assure members that is not our intent, and I have checked and been advised that it is not possible that there would be a double charge there, that the charge would go with whichever tier of government had the responsibility for the sewer service.

I think I have touched on all of the major points that have been raised by the members and I am sure that there will be an opportunity for much fuller discussion when it is dealt with in committee.

Motion agreed to.

Ordered for committee of the whole House.

REGIONAL MUNICIPALITIES AMENDMENT ACT

Mr. Norton, on behalf of Hon. Mr. McKeough, moved second reading of Bill 150, An Act to amend The Regional Municipalities Act.

Mr. Swart: Mr. Speaker, most of the items in this bill are provisions that we have dealt with in the previous bill, Bill 149, and I am not going to duplicate the discussion that took place on that bill. However, we will ask, and I guess the parliamentary assistant has agreed, that this bill and subsequent bills will go to committee of the whole House even though there may not be amendments for the prime reason to give opportunity for the municipal association and the municipalities to determine what is in the bills and to bring forth any recommendations which they may have. In this bill, I have a question relative to sections 2, 17, 13, 19, 25, and so on, which propose the repeal of these sections which provide that "the regional council shall by bylaw appoint a regional roads commissioner, who shall be a professional engineer registered as a civil engineer under The Professional Engineers Act, to administer and manage the regional road system," and that "the regional roads commissioner shall not be dismissed from office except after a hearing by the regional council if so requested by the commissioner."

[4:30]

In the explanatory notes it says that the purpose is to remove the requirement that he be a civil engineer. At least that is the way I

read the explanation. However, it does much more than that, unless there is some other provision in some other section of some other Act of which I am unaware. In fact, it removes the requirement for the regional council to appoint a roads commissioner and removes the right of that roads commissioner to have certain rights against dismissal by the council and certain rights of appeal.

I am wondering whether it is really the intention of the government to remove the appointment provision and to remove the right of a hearing for the roads commissioner. The roads commissioner is a pretty important person in the structure and operation of regional government, and it seems to me that when it is required in The Municipal Act for certain other officials to be appointed in municipalities—there are certain requirements for certain officials—that perhaps here we should not remove that requirement for the council to appoint them and for them to have a certain right of appeal. I am sure the parliamentary assistant will deal with that matter when he speaks to this bill.

Because all of the other provisions in the Act are similar to Bill 149, with the possible exception of the removal of the approval by MTC of speed limits, which I support, I will turn to the last item I want to mention in connection with the bill. I would like an explanation of the reason that York wants a different system with regard to the variation in water rates, which is a somewhat different policy to the other regions, and of the reasons, although they may be perfectly satisfactory, for them constructing buildings for the Children's Aid Society.

I think those are the only questions that the bill raises as far as I am concerned.

Mr. Good: Mr. Speaker, I have a very few comments. Most things in this bill follow the amendments in the previous bill under The Municipal Act, except I would like to draw the attention of the House to the fact that the government finally did recognize that there is confusion between the regional municipality of Durham and the town of Durham in Grey county.

Mr. Gaunt: It took them a long time. They've been a long time coming around.

Hon. Mr. Welch: We just wanted to be sure.

Mr. Good: It's something we have been talking about ever since the regional municipality of Durham was instituted.

Mr. Gaunt: Light dawned slowly.

Mr. Good: In fact, the former Management Board chairman lost his seat partly over that issue, along with a lot of other inefficiencies and shortcomings of the government.

But, finally, we have an amendment which clearly states in the explanatory notes that the name of the Durham planning area will be changed to the regional municipality of Durham planning area "in an attempt to avoid confusion with the town of Durham in the county of Grey." For five years we have been telling them that they shouldn't have identified the regional municipality of Durham by that name, because there is another town of Durham. The town of Durham did everything within its power to dissuade the government from creating another municipality of Durham, but to no avail. It cost the government one seat, but finally they are beginning to recognize that this confusion does indeed exist.

Mr. Speaker: Does any other hon. member wish to address himself to this bill? If not, the hon. parliamentary assistant.

Mr. Norton: Mr. Speaker, it is unfortunate the hon. member for Durham East (Mr. Moffatt) is not present in the House to assist me on that particular issue.

Mr. Cunningham: He's campaigning in Kingston.

Mr. Norton: On the question of deleting the requirement of appointing a roads commissioner within a municipality, the hon. member is quite right in that the explanation does appear to remove the requirement that he be a civil engineer. It was the original intent to remove that specific requirement because of the changing methods of training and educating engineers. That became less and less significant in terms of certification of professional engineers.

At the same time it was pointed out to us that surely when we're dealing with municipalities today, particularly regional municipalities, we're dealing with a pretty sophisticated form of government which surely ought to be able to make decisions such as whether or not it requires an engineer at all for this particular function. It might decide, for example, to handle that responsibility—it is clearly charged with that responsibility—in some way other than through the specific appointment of this individual.

Again, I think it merely reflects a growing confidence in the ability of local governments to make dependable and responsible decisions. I think that in many ways over the years our

legislation with respect to municipalities has, on such points, appeared to be rather paternalistic. I think that this is a move in the right direction.

Mr. Foulds: It not only appeared to be, it was.

Mr. Norton: They have the responsibility and I think, having given them that responsibility we can surely also allow them to discharge it in whatever way they see fit and account to their electorate for it.

Obviously, if we're not going to have a requirement to appoint, the procedure for a hearing on dismissal becomes rather redundant. I would hope that would be something dealt with in the contract the individual might have with the municipality or might be dealt with as a matter of policy on the same basis as other administrative personnel within the municipal government structure.

On the question of the York water rates it is an unusual situation and they have asked for special consideration because they are in a very special situation at the moment. They have indicated there is some urgency in this matter. As members may know—many of them know, perhaps, better than I—York region is now being charged for water purchased from the province under the south central York servicing scheme. These costs are, in turn, passed along to the area municipalities affected or parts of the area municipalities, depending upon the circumstances.

At the present time, the legislation permits the regional council to fix rates for the supply of water to area municipalities but it doesn't cover any alternative methods for charging for this service or any differential of rates. Because of the special circumstances in York they have requested permission in order to do this—to pass along the cost to the area municipalities—and that's why this amendment is being introduced at this time. No other municipality is in that situation and that's why it's unique to York.

Motion agreed to.

Ordered for committee of the whole House.

DISTRICT MUNICIPALITY OF MUSKOKA AMENDMENT ACT

Mr. Norton, on behalf of Hon. Mr. McKeough, moved second reading of Bill 151, An Act to amend The District Municipality of Muskoka Act.

Mr. Swart: Mr. Speaker, this follows the pattern of the changes in the bills for the other regional municipalities which were made last year and in which we were able to make some valuable amendments. Because it does, we will support the bill. I will not make any comment on it, except to say that I'm pleased that the parliamentary assistant included in this bill the amendment which we moved last year, which was passed by this House and on which on division the government stood up and supported us and the other opposition party at that time to give the ratepayer the right within regional municipalities to have an appeal to the Ontario Municipal Board on the ward system.

We will support this bill, but for the reasons previously mentioned will ask that it go to the committee of the whole House.

Mr. Good: We can find no additional amendments that were not in the other bills, so we will support this as well.

Mr. Norton: I have nothing to add, on this bill.

Motion agreed to.

Ordered for committee of the whole House.

MUNICIPALITY OF METROPOLITAN TORONTO AMENDMENT ACT

Mr. Norton, on behalf of Hon. Mr. McKeough, moved second reading of Bill 152, An Act to amend The Municipality of Metropolitan Toronto Act.

Mr. Swart: This bill again contains the provisions which we've already approved and/or discussed in the previous Acts with one or two slight exceptions.

Under section 3, it proposes to remove the authority for the metropolitan council to make an annual grant of not more than \$169,000 to the Toronto Transit Commission towards the cost of providing free transportation for blind persons and war amputees. We even support the removal of that because they have authority elsewhere. However, I think we would have preferred that perhaps there be specific mention in all of the municipal Acts about free transportation for blind persons, war amputees and other disabled persons to highlight the very real necessity for this, and not only to provide them with free transportation, but also to provide the type of facilities that these types of people can use.

We're not going to oppose the bill for that reason. But I very much wanted to make that

point here that the time has come in transportation where society has to take responsibility for the disabled to see that they have the same rights of public transportation as all other people have. That includes financial rights, so that they're not excluded because of financial inability nor also because of the type of construction of the transportation vehicles.

Mr. Norton: Very briefly, I appreciate what the hon. member for Welland-Thorold is attempting to do in his comments on that particular section. Surely he has to recognize, though, that many municipalities in this province over the last few years have made very sincere efforts to improve the transportation facilities for people with specific handicaps and specific disabilities. They have the authority to go as far as they can. In some municipalities, they don't have public transit for anyone, but there are many municipalities that have specific equipment to provide low-cost transit for handicapped people.

Once again, I think it would be presumptuous of us as a Legislature, if we have any confidence in local government at all, to prescribe in legislation what their specific priorities should be. I agree with the import of what he is saying, but I just don't think that it is our responsibility to prescribe priorities for municipalities.

Motion agreed to.

Ordered for committee of the whole House.

[4:45]

COUNTY OF OXFORD AMENDMENT ACT

Mr. Norton, on behalf of Hon. Mr. McKeough, moved second reading of Bill 153, An Act to amend The County of Oxford Act, 1974.

Mr. Swart: Again, Mr. Speaker, the Act to amend The County of Oxford Act, which we have before us now, follows generally the pattern of the other regional municipalities and therefore we will support this bill in principle. It's particularly desirable to lengthen the time from 30 days to 60 days to replace a member of the council, if they want to use the provisions of the Act. When they wish to elect that person rather than appoint him, they need that extra time, and therefore that amendment is desirable.

The next item I have some concern with, as we expressed in the other regional municipalities Act, and that is that the regional

municipality has authority over the local municipalities with regard to the stop signs, even on the local municipal roads. I am aware, of course, that formerly the local municipalities had to get approval from MTC for their traffic bylaws, now they must get it from the regional council. My point is, and I think it's a valid one, that they shouldn't need to get it from either. I think it's perfectly legitimate that the regional council should have authority over all the roads coming on to the regional roads with regard to traffic, but on those roads well removed from the regional roads, why should the regional municipality have authority? It is really just a duplication again of all kinds of rules and regulations and bylaws, and I would like to see the local municipality have full authority over that decision-making process.

That's the only comment I have pertaining to this Act.

Mr. Good: I just have one comment, Mr. Speaker, and that is that the provisions in this amendment to The County of Oxford Act bring it into line with other amendments made to both The Municipal Act and to the other regional governments, so in name only we find The County of Oxford Act is retaining its stature as a county, when in fact it is a region, as we pointed out when the original bill was passed. The only difference is the chairman of the region is called a warden. Other than that, the legislation is now in complete uniformity with all other regional government bills and we see nothing particularly different from these amendments than from all other amendments to both regional bills and The Municipal Act.

The matter to which the previous speaker made reference simply means that I suppose it is somewhat of an improvement where the authority of the Ministry of Transportation and Communications is now substituted by the county instead of the ministry, which is, of course, some improvement as far as the area government is concerned.

Mr. Speaker: Any further comments? The hon. member for Oxford.

Hon. Mr. Parrott: I'm afraid I just can't let the comments of the member for Waterloo North go without any comment. I really do believe that there are some very significant differences between The County of Oxford Act and the regional bills. I'd be glad to elaborate on that if he would like. Certainly, our police protection is significantly different than the regional municipalities. I would think if members would look at all of the ramifications of that Bill 95 passed some two

years ago now, they would find a very significant difference, and I think we should have it on the record that we in Oxford are very content with the fact that this government has made a very substantial effort to address itself to a different form of local government than the regional municipality. Because there are options in this province and the government has seen fit in Oxford to make a very notable example of what can be done on the basis of dialogue between the treasury and the local officials I would think that after two years that there is a great deal of testimony to the fact that that bill is working.

I read in the local press just last week that one of the strongest opponents of the restructuring of Oxford, who became the mayor of one of the municipalities, has said without doubt he thinks the system is working and is good for Oxford. Now, that is not surprising if it were someone who had previously supported the bill. But I would think from my knowledge of the situation that he was one of the strongest opponents and has now been convinced that the bill has worked well and will continue to work well. I think this is an illustration of where continuing dialogue between Queen's Park and the local municipalities is effective and the people of Oxford are quite content with it.

Mr. Nixon: Mr. Speaker, if I may, I wanted to say just a word or two about the amendments as they are before us. As the member for Oxford, the hon. minister who just spoke is well aware, the amendments follow directly in the pattern established for the other regional governments in the province. The differences are indiscernible and I just felt that this should be made clear in response to what the member for Oxford has said. It is true that it is not called a regional government but a restructured county. Mr. Speaker, being very familiar with these matters yourself you will be aware that the only essential difference really has been that we don't have a chairman who is named by the government here at Queen's Park as has been the case—

Hon. Mr. Parrott: Oh that is just not so.

Mr. Nixon: —in the other regions. In fact the head of the municipality is the warden and the warden who has been serving for the last few years, I understand, is stepping down this year after giving good service under the circumstances of the bill that was passed establishing the restructured county. But for the hon. minister—

Hon. Mr. Parrott: Tell me—

Mr. Nixon: —who is now interjecting to indicate that one of the significant differences is that we don't have regional police in Oxford is an indication, perhaps, that he is not familiar with the patterns in other regional governments. Where they were imposed under other instances, it was not with the imposition of regional police which turn out to be extremely expensive indeed but with the maintenance of the service of the OPP at least for the first few years. And in my opinion it's one of the tragedies of a continuation of Conservative government if—and it is devoutly hoped that it would not happen—this Legislature would be called upon to approve the establishment of a regional police force or perhaps a restructured county police force to make a bow to the difference that the minister sees but which is not really apparent.

Hon. Mr. Parrott: Don't hold your breath.

Mr. Nixon: The provisions of this bill, however, as you are aware are completely parallel with the changes in the other regional governments in the province.

Hon. Mr. Parrott: No, they are not.

Mr. Nixon: One of the significant studies that has come out of the government in recent months—it's just a bit more than a year—was the study brought forward by the committee headed by the Treasurer in which efforts were made to change the costing structures of the systems and programmes in the province of Ontario. After assessing the costs of regional government and restructured county government the committee, chaired by the Treasurer, brought forward a clear recommendation that no further regionalization or restructuring of counties should go forward because of the increase in the costs. Not only do local costs increase but the grants from the government have increased in a way which indicate that while the services may in fact be better in restructured counties and regions, the costs have also escalated tremendously compared with those parts of the province that haven't been treated to this kind of leadership from the Conservative government.

Mr. Speaker: Any further comments? If not, the hon. parliamentary assistant. I might say many of those remarks of the last two speakers have been out of order because they really weren't included in this bill, but they were interesting. The hon. parliamentary assistant.

Mr. Kerrio: So were the interjections.

Mr. Nixon: Well, there is one on each side then.

Mr. Norton: I do hope that doesn't preclude me from responding to the hon. member for Brant-Oxford-Norfolk (Mr. Nixon). When I hear someone speaking so quickly with his tongue in his cheek without biting it it just amazes me; I must admire the man. I'm sure that had the hon. member for Oxford (Mr. Parrott) not been present in the House that those remarks would not have been made at all in response to the proposed amendments here.

I know the hon. member for Brant-Oxford-Norfolk is well aware of the difference between powers and structures. Although a restructured county may end up with many of the powers that a regional form of government has, it does not mean that in structure it is a regional government. There are vast differences and I'm sure that he is aware of that, given the area of the province that he represents.

The fact that these amendments are here right now represents a very long period of consultation that we engaged in with that particular municipality.

Mr. Good: You would have a tough job convincing them of that.

Mr. Norton: They are very well aware of their uniqueness. It was largely because of that the consultation took as long as it did. My visits to that municipality to discuss the proposed amendments with them—

Mr. Nixon: It is regional government by the back door.

Mr. Norton: —have reinforced for me the uniqueness of Oxford as a restructured municipality. It is vastly different from the regional governments in this province.

Mr. Speaker: Can we wind up on Bill 153, please? Could we get back to the principle of Bill 153?

Mr. Nixon: The Speaker says come to order.

Mr. Norton: Yes, of course, Mr. Speaker. I just felt that since the others had raised such basic questions that I really ought to be able to respond. I think really there's nothing more for me to respond to, other than to the question raised by the hon. member for Welland-Thorold—I believe it was he—about traffic approvals at the county level. I think

that makes eminently good sense. Surely there has to be some overall co-ordination of traffic flow within a municipality. In this case it was in the county. I think it's important that there be an overview for approval of these at the local level, which would not allow for simply inconsistent traffic regulations on roads which flow from one municipality into the other.

Motion agreed to.

Ordered for committee of the whole House.

MUNICIPALITY OF SHUNIAH ACT

Mr. Norton, on behalf of Hon. Mr. McKeough moved second reading of Bill 154, An Act respecting the Municipality of Shuniah.

Mr. Foulds: I'll be very brief. The bill has been subjected to a searching examination by myself, by my colleague from Welland-Thorold and by our caucus. We support the bill in principle. There is no need in our opinion for the bill to go into committee.

I have talked extensively with councillors and with the clerk in the municipality of Shuniah. They are in favour of it unanimously, as are, to the best of my knowledge, the residents of the area. The first section simply involves a name change that will bring the municipality in line with the number of others of the same rank and status in the province.

The second section allows the municipality simply to set a uniform mill rate for the whole municipality instead of having to do the two entirely different sets of estimates and rate books as they do now for McTavish and MacGregor. Over the last number of years our research indicates that there has only ever been a difference of half a mill between each of the two wards. It has in fact fluctuated from side to side. As there is no reason I can see for objection, I think that the bill should receive speedy approval.

Mr. Speaker: Any further comments? I point out it is 5 o'clock, which is supposed to be the beginning of the private members' hour. If it is going to be lengthy we will adjourn the debate.

Mr. Good: No, Mr. Speaker, we will support the amendments in this bill as well.

Mr. Norton: I have nothing to add, except to say this is not one that I would ask to go to committee, because there is some urgency

about its being passed through third reading as quickly as possible.

Motion agreed to.

The following bill was given third reading on motion:

Bill 154, An Act respecting the Municipality of Shuniah.

[5:00]

PRIVATE MEMBERS' HOUR:

CONDOMINIUM AMENDMENT ACT II

Mr. Leluk moved second reading of Bill 57, An Act to amend The Condominium Act.

Mr. Leluk moved second reading of Bill 58, An Act to amend The Condominium Act.

NOTICE OF MOTION No. 13

Mr. Leluk moved resolution No. 13.

Resolved: That in the opinion of this House a select committee of the Legislature be appointed to examine The Condominium Act, condominium law in other jurisdictions, mortgage financing of condominium projects, trends in industrial and commercial use of condominiums, and any other pertinent condominium matters with a view to improving condominium lifestyles, to prepare and submit a report to the Legislature by the end of March, 1977, with its recommendations.

Mr. Leluk: The basic purpose of Bill 57 is to improve the qualifications of condominium directors who sit on a board. The present qualifications only require that a board member be 18 years of age or older. My bill would require that in addition he or she would have to be an owner in the corporation and the holder of a condominium director's certificate issued by prescribed institutions where such a course is being offered. Since my introduction of this bill in April of this year, I have had enthusiastic response from condominium owners, board members and so forth.

I respect the views of those who do not agree with my position but feel that it is in the best interests of condominium owners. It is nice to know that on occasion the members of the Legislature are supported by the press. I would like to read into the record the October 6 editorial from the Etobicoke Advertiser-Guardian which supports my position and says that:

"York West MPP Nick Leluk has the right idea in calling for qualification upgrading for

condominium boards of directors. Handling, maintenance, budget insurance and mortgage payments, administering condominium bylaws and management agreements and coping with Condominium Act regulations—in short the duties of a condominium board is no mickey mouse job. Condominium directors, once elected, should be required to attend courses in such things with course expenses paid by the condominium corporations which elected them.”

Mr. Foulds: Didn't you get better reviews than that?

Mr. Leluk: Well, I haven't seen any review in this area from the hon. member across the House. Some community colleges do offer limited three-day courses.

Mr. McClellan: He will give you a review in a few minutes.

Mr. Speaker: Order, please. The interjections are just wasting valuable time, when each one is limited to so many minutes.

Mr. Leluk: These courses are offered on a voluntary basis and hence treat condominium complexities too superficially. These courses I feel should be mandatory. They should be broader in scope and a maximum of six weeks in length. Some people who have taken the existing courses would argue that while it does provide them with some condominium knowledge, the time constraints prohibit that topics be treated in greater depth. I believe that the course will make for better informed and responsible directors.

Now why do I believe that the directors of these condominiums need greater knowledge and qualifications? I would like to say here that many of them do an excellent job with their limited knowledge. I would argue that this is essential because the major task of a condominium board is to maintain the property and its related assets. Presently this is only true to a limited extent because condominium property management firms are assuming more than just a job of carrying out the tasks of property maintenance. In fact, so-called professional condominium property management firms are assuming the role of directors as well in many cases.

Mr. Philip: Why don't you regulate them?

Mr. Leluk: It's the age-old question of who is setting policy and who is carrying the policy out. I feel that a more informed and responsible board will be able to instruct condominium property management firms in

what they want to have done. The whole area of condominium property management needs to be examined in great detail as to professional standards, qualifications, and above all, business ethics.

My Act would allow directors to be paid for services rendered where the declaration so stipulates. I believe that if people are required to be qualified and are expected to put in the necessary time as members of a board of directors, then I feel there should be some remuneration for this. Also, I feel that this will be an incentive to attract better qualified persons to seek positions on the boards of directors. I view condominium corporations not only as residences, but as businesses with large operating budgets and reserve funds. I have been told that where people are not paid, eventually temptation rears its sweet head.

Mr. Cunningham: What do you mean by that?

Mr. Leluk: What do I mean by that? Eventually there are opportunities for directors to receive special consideration from contractors, developers, or what have you. Now having said that, I know that the media will try to impugn the motives of the large majority of directors. The fact remains that payments would tend to curb such potential abuses. If all directors were not to be paid, because there have been arguments against expenses being already too high in some condominiums, then we might encourage the concept of a professional director whose responsibility could include that of general manager of the corporation. He or she could receive an honorarium for services rendered.

The Act would eliminate the expensive practice, which presently exists, whereby corporations always have to call two meetings to get a quorum. Presently for a budget meeting there is a need for 33⅓ per cent to 50 per cent of all owners to be present for a quorum. With the present apathy that exists in condominiums, they don't usually have 33⅓ per cent to 50 per cent of all owners present at a meeting. If the first meeting was eliminated, and a meeting was called with notices and an agenda sent out, say, 10 days prior to the meeting, and if there was no quorum of owners about half-an-hour after the time for that meeting, those present would then constitute a quorum and a meeting would convene. I also believe that a simple majority of those present at a meeting for, say, discussion of a budget or for election of board members, is sufficient.

The Act also provides that proxies must be in a prescribed form. This is not the case at present, and the intention here would be to make owners more aware of what they are signing. There are abuses, I am told, with proxies in condominiums. Some have argued that their use in condominiums should be illegal, that The Condominium Act specifies that The Business Corporations Act shall not govern, and that the only place where you find proxies is in The Business Corporations Act. Others have argued that there should be a limit established on the number of proxies that any member of a corporation can use. This would stop the practice of one person, in a case mentioned to me, for example, from collecting 250 proxies and coming to a meeting and controlling that meeting. If there were 125 persons present in person—

Mr. Philip: Who did this? The developer?

Mr. Leluk: As I was told. And, with 272 persons present in the form of proxies, of which 250 were controlled by one person, I was told that this person elected himself to the board and then two months later became the property manager. Now, at present he is a director and a property manager and there is nothing really illegal about this practice.

I am not trying to correct individual problems in condominiums with legislation. I am trying to provide legislation that will enable condominiums to solve their own problems at duly constituted meetings, called for the purpose of correcting those problems. This can't be done when one person through proxies, for instance, can control not only the meeting but the outcome of that meeting. In my bill I also propose that the corporation need only get a majority vote at any meeting duly called, instead of the 66⅔ or 80 per cent, as the case may be, of the owners of the common elements agreeing to the proposal.

Since the introduction of the bill I have had many people bring to my attention the problems associated with my proposal, with the result that I have had some change of mind. The Condominium Act presently stipulates that 66⅔ per cent of the owners who attend a legally constituted meeting can change the bylaws; and where there is damage to property and the board deems that this damage is 25 per cent or better at a meeting called within 30 days, that 80 per cent of all owners must agree to the repairs. I'm told you never get 80 per cent of all owners to attend, and this is the problem. Therefore, I would recommend that the

present percentages of 66⅔ per cent and 80 per cent remain the same, but they should hold true for those present at a duly called meeting and not of all owners present. Otherwise, I'm told that the condominiums would never get anything done. Surely 66⅔ of, say, 100 persons at a duly constituted meeting are intelligent enough to make changes in bylaws.

Going on to Bill 58, the purpose of the bill is to provide for a condominium registrar, who would have an expertise in the condominium field and would serve and control a central registry office for the filing of pertinent information such as minutes of annual meetings of corporations, lists of directors, financial statements and any other documents required to be registered.

The province of Nova Scotia has a condominium registrar whose duties are somewhat similar to those proposed in my bill. And where my bill specifies that the focus for such an office would be the Ontario government, possibly through the Ministry of Consumer and Commercial Relations, however, that is not the only means of achieving this goal. A better model possibly would be the creation of an independent council, association or institute, composed of condominium owners, developers, condominium management firms, lawyers and other professionals to administer the functions of the condominium registrar.

Organizational models already exist for such a concept. For example, this government earlier this year established the new homes warranty council, to be administered by the Housing and Urban Development Association of Canada in co-operation with the provincial government. Funding for such a body could come from a variety of independent sources. While my bill proposes that the registrar's office be located in government, unlike my socialist friends opposite who see government as the saviour of all of us, possibly the second approach has greater usefulness.

Mr. Philip: Your government? At least we don't regulate individuals.

Mr. Leluk: There have been also some objections raised to the time period for filing a true copy of the minutes of the annual meeting of corporations. In my bill I've called for seven days. I now agree that this is not sufficient time, and I would think that 30 days after the approval by the board would be more appropriate.

Similar objections were also raised about the time-frame for filing a copy of the

financial statement of a corporation within 30 days of the end of the fiscal year. Again, I am flexible and feel that a 90-day period would be more conventional.

I would now like to turn to Resolution No. 13. When the resolution was placed on the order paper back in June of this year, I felt that with the adjournment of the House for the summer, a select committee of the Legislature would have been an ideal way to proceed to examine The Condominium Act and other pertinent areas related to condominium living, with a view to preparing and submitting a report to the Legislature by the end of March. Apparently there were already some four or five select committees appointed to look into various problem areas, and this committee never did come into being. The summer passed—

[5:15]

Mr. Cunningham: They ran out of members.

Mr. Leluk: —and in September, at the Etobicoke Rotary Club luncheon, I called on my government to support a condominium task force composed of a broad cross-section of representatives from the condominium world to deal with the urgent problems of condominium living like our good Conservative friends in Alberta have done. I was therefore—

Mr. Cunningham: Why didn't you mention the Nova Scotia Liberals?

Mr. Leluk: —very pleased with the announcement of the Minister of Consumer and Commercial Relations (Mr. Handleman) last Friday in this House that an interministerial committee to examine and make recommendations into a number of problems of condominium home ownership would be set up.

Mr. Philip: If you are defeated, you will be the next chairman of it.

Mr. Leluk: Don't hold your breath, my friend.

Mr. Warner: You don't want to be chairman?

Mr. Leluk: I want to congratulate the minister on taking this step and getting on with the job. Whether the announcement is a response to my urgings over the past year or not, I am sure that it is welcomed by the numerous Ontario condominium owners. I do hope, however, that its terms of reference will be broadened to include the central registry of condominium corporations for reporting

purposes, board liability and indemnification, improved financial protection for condominium owners possibly through the bonding of condominium directors, rental problems on the part of private, one-unit owners and corporate tenants, long-term management agreements between builder, developer and corporation—

Mr. Warner: Administration problems—

Mr. Leluk: —the question of double taxation where the city or municipality is paid for certain services such as snow removal and then moneys are paid as well to the condominium which, in turn, hires snow removal firms to do the job.

I would hope, too, that they would include the ineligibility of condominium corporations to apply for Ontario Home Renewal Programme loans to make major structural improvements in the corporations; that they look at the language and lifestyle problems pertaining to the many condominiums which are presently experiencing these problems with newcomers who have just arrived from other countries.

Also, the need to re-examine the use of proxies in condominiums is, I think, an important area that should be looked at as well as the priority of condominium corporations over the mortgage holder.

Mr. Warner: This major problem—

Mr. Foulds: Review rating: d-minus.

Mr. Philip: You're beautiful. You do more to get me re-elected than anyone else in the borough.

Mr. Gregory: You need a lot of help.

Mr. Philip: As a condominium owner and as MPP for a riding that has a great number of condominiums, I appreciate the fact that we can debate Bills 57, 58 and Resolution No. 13 together. I think they clearly show the focus of the member for York West, the focus that he has on condominiums. Instead of dealing with the real problems faced by condominium owners, he zeroes in on their elected boards of directors. It's an old Conservative Party tactic. If there is a problem, and the "big blue machine" doesn't want to upset its friends, then it picks a whipping boy and hammers away in the hope that the public will suddenly decide that that is the issue.

Mr. Warner: Right on. He should resign.

Mr. Philip: The fact is that the real problems do not rest with the boards of directors

of condominium associations. The real problems are highlighted in the conclusions of a recent report by the chairman and members of the condominium working committee, the Association of Etobicoke Condominium Corporations. The report, incidentally, is being presented this afternoon at the council of the borough of Etobicoke.

I hope that the member for York West will pay attention to this because it is his constituents who are talking.

The conclusion is as follows: "Etobicoke condominium corporations have pointed out all of their problems to both provincial and municipal levels of government for years, but nobody has really tackled the structural and mechanical discrepancies so prevalent in condominiums."

Furthermore, there's little indication that this government really intends to look at the problem seriously.

Mr. Warner: That's right. Have to control development.

Mr. Philip: This month's issue of *The Condominium* which I referred to at question period has the headline: "No Plans to Legislate Developers." The first paragraph reads as follows: "Consumer and Commercial Relations Minister Sidney Handleman says that the provincial government does not intend to legislate guidelines for developers."

Let me read some of the problems as seen by those who own condominiums in the borough of Etobicoke. I do this not because they are my constituents but also because they are the condominium constituents of the member for York West.

If I may quote again from the report being presented this afternoon before the council of the borough of Etobicoke: "In highrise condominiums and all others which have underground garages, one of the main trouble areas revolves around insufficient compacting around the foundations of the building, poor drainage and insulation, cracks in the concrete ceilings resulting from severe leakage problems."

2. "All existing condominiums have road problems. Either the asphalt is done poorly or the compacting of the road accounts for cracking, sunken areas, and break-ups."

3. "Townhouses suffer from roof design faults which cause dangerous icing and leakage problems. All developments and highrises have intensive roof insulation deficiencies."

4. "Heating systems, ducts and pipe insulation leave plenty to be desired. Furnaces in most townhouses seem to be too small and

ducts should be of a larger gauge, the result being that some rooms in the multi-level units are never warm enough."

5. "Soundproofing has to be improved for all types of high-density buildings, but especially for developments near major highways and air flight passes."

6. "Electrical wiring outlets and control panels are of dangerously low quality and result in blow-out and fires."

7. "The plumbing in some high-rise condominiums is so bad that there are backups of raw sewage up to the third and fourth floors. Joint breaks inside the walls are also rather common."

8. "Improperly caulked windows and flashings, cracks in retaining and outside walls create leakage problems and expensive repairs."

Now the minister, were he present today, might say that these problems are covered by the home warranty programme. However, we know what that home warranty programme is and we know that the people like myself who own condominiums are not presently protected by the defaults that the government allowed to have all of these developers create these problems in the first place.

I only have to look at the Ottawa Citizen of a couple of days ago which reports condominium owners are suing builders. It tells the whole story of owners of a 375-unit high-rise in Ottawa's east end who are taking the developers to court. Unfortunately, not all of us live in large condominiums. My own condominium has 55 units. We can't afford court costs. What we do want, though, is a government that at least takes some initiative to protect us.

One would not deny the need for constantly providing for more professional development of those in any kind of elected office, be he a condominium director or a member of the Ontario Legislature. But there is a difference between the task of facilitating and that of coercing, as is advocated in Bill 58. The government setting specific standards that someone must meet before they run for office is a move in a very serious direction. The members of a democratic society like to decide for themselves who's qualified to represent them and not be told by big government.

Interestingly enough, the hon. member talks about all the support he has in his own borough or in his own riding for these bills.

Mr. Warner: Loser.

Mr. Philip: One of the directors in his own riding, the riding of York West, telephoned

17 other democratically-elected directors in that riding when it first appeared in the newspaper. Not one of them was in favour of it, and many have expressed indignation that their member should single out condominium directors as the culprits. As one said: "If Mr. Leluk's government was as competent in managing the government finances of the taxpayers as a lot of our condominium directors are in managing our affairs, then maybe we'd be in a heck of a lot better position in this province."

Let me read a letter from one of the constituents of York West riding. Mr. P. T. Froggatt is president of York Condominium Corporation No. 110; if I am not mistaken—and I may be mistaken—I believe he is also a member of the hon. member's riding association.

Mr. Warner: He was. He quit.

Some hon. members: Oh, oh.

Mr. Philip: I won't read the whole letter, Mr. Speaker, but I would like to read at least sections of the letter. He concludes his letter by saying:

"Encourage responsible persons to step forward and volunteer their services and, in addition, ensure that they are provided with the tools needed to be able to do the job properly, such as good building construction requirements, meaningful ways of handling chronically illegal parking on the private roadways involved and so on."

He goes on to say:

"Condominium corporations have done a lot for themselves already (at least in Etobicoke). They have fought and won tax assessment cases, they have formed an association for their mutual benefit, and they have contributed to the municipal and provincial studies and actions with respect to condominiums. I wonder what Mr. Leluk was doing for them while all this was going on?"

It's signed by Mr. P. T. Froggatt, president of the York Condominium No. 110, in the hon. member's riding.

Mr. Cunningham: Sounds like a contested nomination.

Mr. Philip: The member for York West must be a very sad person today for clearly the Minister of Consumer and Commercial Relations (Mr. Handleman) has ignored one of his major proposals—and really the only sensible proposal that he has made today—and that is of establishing a select committee to investigate the problems of condominium owners. With all the talking the member has

done and with all the press coverage he has had regarding his private member's bill and his resolution, he has not been able to convince his own party to act in the sensible manner that he has advocated at least in the resolution.

Mr. Warner: Right on.

Mr. Philip: It may well be that the condominium owners in that area will learn that the best way to get action out of the government is not by a back-bencher who can't convince his own party of what is right, but by a member of the other party. At least then they can put some pressure on it.

The minister's statement on Friday established an interministerial committee on condominiums, and in my opinion it is clearly another attempt to sweep the problems under the rug. The specific refusal by the minister to allow condominium owners to participate in the decisions of such a committee, and not just submit briefs, is indefensible. Likewise, the fact that the minister appointed, as we found out earlier today, a defeated candidate to head up the committee, would put him under a certain amount of suspicion—at least to some of us—as to his impartiality.

Mr. Cunningham: Who is that?

Mr. Warner: Name him.

Mr. Philip: To make matters worse, just before he released his statement, the minister announced in the Nov. 1 issue of *The Condominium* that "Consumer and Commercial Relations Minister Handleman says that the provincial government does not intend to legislate guidelines for developers."

Mr. Speaker: The hon. member's time has expired.

Mr. Philip: If that is not an instruction to the committee, I don't know what is.

Mr. Hall: Mr. Speaker, I will speak briefly and talk about the two bills and the resolution all at once as the other members have done.

I come from an area that is not heavily urban and we don't have the condominium situation that exists in Metro. I understand, however, that there are some 38,000 condominiums in Metro and I think that it is high time that the government took some steps to have a maturity in this important segment of our housing supply.

In this area, condominiums were looked on brightly as one real hope for a major increase in personal homeownership, as it has been in other areas. But over a few years, because of

a lack of good guidance and because of looseness of regulation, there have been a lot of problems that have been left unattended. The result is, according to the Minister of Consumer and Commercial Relations, as quoted in the Star this fall, that even though there is a housing shortage, there are some 9,000 new vacant condominiums in the Toronto region and again as many are up for resale.

[5:30]

This is because they have faced problems of a lack of knowledge of what they're getting into and stories from friends who have had unfortunate experiences themselves. There is a question as to who they can turn to for information. Realtors are not necessarily well versed in this product, developers naturally want to put their best foot forward, and the municipalities in some instances are too busy, not interested or ignorant of some of the details relative to condominium legislation.

There are also delays in registration. There are delays in registration under The Land Titles Act for housing generally, but there are delays in this matter which is more complicated than a normal title.

I understand as well that many condominium owners in their units run up against problems, as a board of directors, with franchises for certain facilities such as coin laundries which have been granted and run for a longer tenure than the directorate has any control over. Also the lack of proper financial statements by either the developer or the condominium corporation has again worked against true disclosure, so someone interested in living in a condominium can know exactly what he's going to buy.

There is also the problem of the developer possibly understating the maintenance costs, which I understand are only guaranteed for the first year, and facing a much higher tab when all involved as owners have moved in and find themselves responsible for a share in the operation of the condominium. When they look at some of the real costs they might face, the bill is pretty high.

I think there is certainly a need to proceed for improvement. The thought of a dialogue, as suggested by the minister on Friday, between everybody who doesn't know anything about it so they can all get together and make certain they all know their problems, is of some merit. The suggestion of a select committee seems to have been bypassed by the minister; rather, he's going to have his own sort of select committee, drawing resource personnel from Housing—

Mr. Philip: It's not a select committee.

Mr. Hall: No, it's not. I said it's been bypassed. Now he's going to have his own resource personnel from Housing, Revenue and TEIGA, and an independent consultant. Inasmuch as roughly two-thirds of the more than 57,000 condominiums in Ontario are in Metro region, in this instance I do suggest very strongly that if there is an independent consultant appointed, that that man come from the Metro area. However, I feel that a select committee would be a better direction to move than what so far has been outlined—

[Applause.]

Mr. Gregory: Another trip, Ed. Is that it?

Mr. Philip: No, he is smarter than the minister. That's all I'm saying.

Mr. Hall: There are too many loose areas here that cannot be addressed in a vacuum individually. I think they have to be put together and tied down so that we can render a real service. My main concern is to get going, finally, and to make respectable, an important aspect of our housing supply. I think it can be done, but I think it's time this House addressed itself to the problem in the most serious way that it can find.

Mr. Gregory: Mr. Speaker, I rise in support of Bills 57 and 58 and Resolution No. 13 from my colleague from York West.

The statement of the minister—

Mr. Warner: There aren't many condominiums in your riding.

Mr. Gregory: Geez, you could at least let me get started before you started heckling.

The statement of the Minister of Consumer and Commercial relations will accomplish the same desirable results and probably more quickly, in my opinion. I feel a subject this intricate requires the people to investigate the situation who have had a background, perhaps in condominium management. I don't necessarily agree with my colleagues from across the way who feel that elected people have the brains to solve every problem.

Mr. Foulds: What are you saying?

Mr. Gregory: In many cases they are totally unequipped.

Mr. Cunningham: Especially you guys.

Mr. R. S. Smith: Speak for yourself.

Mr. Gregory: Well, I am looking at them. Condominium ownership in Canada, of

course, is a fairly recent phenomenon, basically over the past 10 years. Naturally, as in anything that recent, there are bound to be many, many problems which have not been resolved yet. They are being solved. In my opinion, the government of Ontario has led the way and continues to do so in finding solutions for many of the problems with condominium ownership.

There are a great many advantages to condominium ownership as my colleague from Etobicoke will well imagine and will appreciate. They are certainly more affordable and in these days when there seem to be restrictions on the building of rental accommodation, unfortunately, this is the only way that people can provide homes for themselves and usually at a very low down payment.

There is certainly less time necessary for maintenance for older people, senior citizens who really can't handle the maintenance of a single-family home. There is better provision for recreational facilities because of the banding together of a group of homeowners who can provide community recreational facilities. There are major advantages to municipalities as well through increased land use efficiency. There are cost savings to municipalities for the reduction of the cost of servicing and the cost of maintenance of those properties which are taken over as common properties.

I believe there is a need to look at the property management practices of many of the companies which are involved in that particular business. There doesn't seem to be any set of standard practices followed by these companies. There are no standard rates for their services. Condominium owners do not always have enough knowledge to properly direct the affairs of the condominium corporation and therefore they can not properly oversee the actions of the management companies.

I believe there is a need for the building management companies, particularly those involved with condominiums, to get together and begin to police themselves. If this is not done, there may be a need in the future for the government of Ontario to get into the licensing of companies and setting the criteria for their entry into the business. There is a great need to educate individual condominium owners in the problems of running a corporation and this is a big step. If a person buys a home it does not matter what age he is. In a condominium, if he is elected to the board of directors, he suddenly becomes a director of a large corporation. In many cases he is not totally equipped for this, through no fault of his own. I believe that there should

be methods by which they can be educated, whether they be government-sponsored courses, to enable them to better tackle the problems of the condominium projects.

Mr. Philip: Compulsory courses.

Mr. Gregory: The provincial government has taken initiative in promoting assessment equity in 1966 which has resulted in a lowering of municipal taxes on condominiums by substantial amounts.

Mr. Cassidy: In 1976.

Mr. Gregory: That's what I said, 1976. What did I say, 1966? Well, we have been thinking about it for 10 years.

Mr. Cassidy: Ten years behind.

Mr. Grande: Ten years later.

Mr. Gregory: In January The Ontario New Home Warranties Plan Act becomes law. It provides five year warranties for structural defects and two years for minor defects. This was brought about by pressure from the Ontario division of the Housing and Urban Development Association of Canada, the developers that my friend across the road was haranguing a minute ago. It seems to me they are not all bad. The new building code is going to go a long way towards correcting some of the deficiencies in the buildings themselves.

I wouldn't have mentioned this for a minute but it seems to me that my friend from Etobicoke was haranguing my friend from York West about the problems and the letters that were going to the member for Etobicoke about the member for York West and criticizing him and his actions. It is almost as if this criticism came out of the air. But it doesn't come out of the air because my friend from Etobicoke spends a great deal of time and money spreading this type of literature, which does nothing to promote unity in the condominiums. All it does is promote trouble. Some of the statements in there are directly misleading, very misleading. I think any one of you will avail yourself of them—

Mr. Foulds: Point of personal privilege.

Mr. Cassidy: Name one.

Mr. Gregory: Well, for example, last fall I and other members of the NDP fought hard to see that this discriminatory tax burden levied against condominium owners was lifted. We won that fight.

Mr. Cassidy: That's dead right.

Mr. Gregory: I thought the members of the third party and the members of this party had something to do with that. It was our legislation.

Mr. Foulds: Minor role.

Mr. Philip: We led the fight for five years.

Mr. Cassidy: We led the fight and you responded because it was a motherhood issue.

Mr. Gregory: You led the fight, indeed. You consider that if you are not on the losing end you led the fight. You are usually on the losing end. It is quoted here that municipal taxes are skyrocketing because of the provincial government's cutback to municipalities. There was no cutback to municipalities.

Mr. Warner: There certainly was.

Mr. Gregory: No, there weren't any cutbacks at all.

Mr. Warner: Scarborough got less money this year than the year before.

Mr. Gregory: There were increases to the municipalities.

Mr. Philip: You better tell the Conservative mayor in our borough that. He doesn't know it.

Mr. Gregory: My friend from Etobicoke further doesn't even know. He goes on to state that at least those taxes paid by condominium owners are remaining about the same.

Mr. Warner: Mr. Speaker. A point of order.

Mr. Deputy Speaker: Point of order.

Mr. Gregory: He doesn't even know that in Etobicoke they were reduced by about 20 per cent.

Mr. Deputy Speaker: Order please. The member for Scarborough-Ellesmere, do you have a point of order?

Mr. Warner: Yes, I do, Mr. Speaker. The member for Mississauga East indicated that there was an increase. My particular borough of Scarborough actually received less money this year than the year previous.

Mr. Deputy Speaker: That is not a point of order.

Mr. Warner: I thought it was interesting.

Mr. Cunningham: Mr. Speaker, on a point of order. This has no relevance whatsoever

to the bill. No relevance. I would ask you to rule on that.

Mr. Deputy Speaker: The hon. member for Mississauga East is addressing himself to the content of Bills 57, 58 and Resolution No. 13.

Mr. Gregory: Yes, that is right.

Mr. Cunningham: On the point of order, Mr. Speaker, he is reading a newsletter from the member for Etobicoke which has no relevance whatsoever to the bill.

Mr. Deputy Speaker: He referred to it. He did not read from it.

Mr. Gregory: As a matter of fact I was responding. The member for Etobicoke also read from a letter. I didn't hear objections at that time.

Mr. Cunningham: It was relevant to the bill.

Mr. Gregory: Are you interested in the information I have or not?

Mr. Philip: Point of order, Mr. Speaker. What I read from was in fact the newspaper and not a letter. It was a letter reported in the newspaper.

Mr. Gregory: This is actually a circular letter I am referring to, Mr. Speaker, which I assume could be regarded as a newspaper. It is not a personal letter.

Mr. Deputy Speaker: The hon. member can continue.

Mr. Gregory: Thank you very much, Mr. Speaker. There are a couple of other things in here. The thing that really struck me is that they say another problem is that there was still no effective protection against construction defects. Now I mentioned earlier the home warranty programme. I don't know what we have to do, but to make a definite statement like that is definitely misleading. There is also a statement here, and this surprised me—

Mr. Philip: Name your condominium.

Mr. Foulds: Withdraw that remark. It is out of order.

Mr. Warner: This is the second time, Mr. Speaker.

Mr. Gregory: —where the member from Etobicoke refers to the second—

Mr. Deputy Speaker: Order, please. If the member for Mississauga East is saying that

the hon. member for Etobicoke misled members of the House, that is not acceptable. If you are saying that he is misleading somebody outside who is reading the letter, we have no control over that. But you must not accuse one member of misleading somebody else in the House.

Mr. Gregory: My apology, Mr. Speaker, I didn't refer to a misleading of the people in the House. I was referring to the article.

Mr. Deputy Speaker: I just wanted that understood.

Mr. Gregory: I didn't get one of these, except by accident.

Mr. Philip: You didn't circulate anything to your condominium owners either.

Mr. Gregory: Well yes, I certainly do. As a matter of fact, we do have a condominium association that is quite effective. I have as much influence over that as you have over yours. As a matter of fact, probably more.

This is the statement that disturbed me more than any. He says that the second-class treatment we get as condominium owners must stop.

Mr. Deputy Speaker: The hon. member's time has expired, but I will grant him one more minute because of all of the interjections.

Mr. Gregory: The only statement I was going to make regarding this is that in Mississauga we do not regard our condominium owners as second-class citizens. Perhaps the problem in Etobicoke is reflected by the quality of representation they have.

Mr. Cassidy: I wanted to say several things about the debate we are having today. I am glad we are having it, and we welcome the fact that condominium problems are, in fact, the subject of a debate in the Legislature. However, we deplore the government's indifference to the need for taking urgent action during 1977 on urgent problems that affect condominium owners and purchasers.

[5:45]

We also believe, Mr. Speaker, that the decision of the government to appoint an interministerial committee, to study condominium problems, which the minister announced on Thursday, is designed to put those problems under a rug. The minister's specific refusal last Friday to allow condominium owners to participate in the de-

cisions of such a committee, and not just to submit briefs, is indefensible. I was away today but I understand that we have now learned that the Conservative candidate for Carleton East, Mr. Darwin Kealey, is to be the independent consultant from outside government who was promised by the minister in his statement last week.

I have to say that if that's the case, then this will not be an independent consultant; it will hardly be from outside government.

Mr. Philip: Unless we change their minds.

Mr. Cassidy: We can change their minds, that's right. But Mr. Kealey was formerly a research assistant to the Premier (Mr. Davis). He moved up to Ottawa only in time for the 1975 campaign. He was a major campaign worker and organizer for Jean Pigott in the Ottawa-Carleton by-election. He now works through his firm both for the provincial and for the federal Tory parties and he is behaving around Carleton East as though he's going to be the Tory candidate again.

Mr. Norton: Are you suggesting that he was appointed not simply because he was qualified for the job?

Mr. Cassidy: I'm suggesting that is not an independent consultant. I'm suggesting that is an insult to condominium owners who were promised an independent consultant. And if you're promising to have David Dehler, who was a Conservative candidate in Ottawa East, he was the guy who arrived 90 minutes late at the meeting of condominium owners in Ottawa last election and had nothing at all to say to them.

Mr. Norton: Are you biased on the basis of politics?

Mr. Cassidy: A lack of knowledge. Mr. Kealey, as well, has no prior knowledge of this field. He is an able—

Mr. Deputy Speaker: I must remind the hon. member that who gets appointed to a board to look into condominiums isn't the subject that we're dealing with. We're dealing specifically with Bill 57 and 58 and Resolution No. 13.

Mr. Cassidy: We believe that the best way to study condominium problems would be either the select committee proposed by the member for York West (Mr. Leluk) but repudiated by the Minister for Consumer and Corporate Relations (Mr. Handleman), or a far-reaching inquiry carried out by a representative committee. At least half of this com-

mittee should be condominium owners and the committee should also include representatives of local government and of the condominium industry as well as representatives of the province.

We also believe that certain problems are now so urgent that the inquiry carried out should not be into whether reform should be implemented, but into how these reforms should be implemented. I would like to enumerate them.

First, now that we have achieved assessment tax reform for condominium owners they are in urgent need of double tax relief. The government should move to relieve the double tax that condominium property owners now bear by giving condominiums the power to negotiate tax cuts or rebates with a municipality to compensate for services like garbage removal, snow clearance and so on, which they provide for themselves. Until tax reform is in place the province should bear the cost of this rebate. And to be fair, we believe that tenants' associations in private rental housing should also be able to negotiate comparable rebates.

Second, a major repairs fund is needed on behalf of those condominium owners whose condominiums were built before this year and who do not have the protection of the new home warranties programme. There are serious problems with construction standards of condominiums that are only five or six years old, some of which are having major repairs that have become necessary because of shoddy supervision by the province and because the province is far more interested in encouraging developers into the field than it was in protecting the purchasers of those condominiums.

We believe that special funds should be added to the Ontario Home Renewal Programme in order to provide low interest loans as well as grants for people of modest incomes in order to repair major construction defects that have emerged in condominiums that the government encouraged and for which the government did not provide adequate protection.

Third, there is urgent need in 1977 to give condominium owners a fair deal before registration. And registration is often delayed for a year or more. Occupancy fees are considered by condominium owners as a ripoff. They should not exceed the monthly estimated cost of mortgages, taxes and condominium fees after a unit becomes registered, and the sum that an owner would pay each month on his mortgage principal should be credited to his account in any month that he

paid an occupancy fee. This will remove the incentive that developers now have to delay registration, and every month that the condominium owner is living in that unit and paying an occupancy fee he will be paying off his mortgage. That is not allowed under the rules the Conservative government has established at this time.

The NDP also believes that there are other areas of major reform that should be studied by a condominium inquiry or by a select committee, and that should also get urgent action after the first three items which are priority for 1977. The protection of purchasers is foremost among those. Condominium law should be changed in order to stop developers from delaying registration of their condominium developments whether for purposes of tax losses, of marketing strategy or incompetence. We believe that the owners of partially sold condominiums should be protected against the finishing cost of the building being charged off as maintenance fees. This is often done, particularly when the developer is in collusion with a maintenance company which he has used his power to appoint.

Condominium purchasers should have the right to form an association from the day the first condominium is sold and this association should have access to all documents pertaining to the condominiums and to the condominium corporation during the period before registration takes place and the purchasers actually take over the condominium corporation. This is essential protection if condominium owners are to get a fair deal and if the problem that several speakers have referred to in this debate, the shadow of doubt and uncertainty which has descended on the condominium as a concept in housing, is to be cleared. We believe that condominium purchasers need more protection than now exists in the law in cases where the condominium developer contracts out the management of the building to a subsidiary of the developer.

Better standards is next on the list. New standards should be developed, both for construction and for noise-proofing in order to ensure privacy for condominium owners and the protection of their investment. These standards should also be applied to new apartments for rent.

Better management is next. A registration scheme is needed in order to register condominium management corporations when they manage more than one building. They should be required to file details of the names and backgrounds of the people involved, of any links with developers—that's very important—

and of the condominiums for which they provide management services; also of any condominium units which either the management company or its principals own but do not occupy. That is essential because of the conflict of interest that can emerge when a management company also owns and rents condominiums. These management companies should also be required to be bonded.

Next, better information: Ontario shouldn't force condominium corporation directors to go to school, the way that the member for York West suggests, but it should begin to provide a service of encouragement and technical counselling to condominium owners and corporations rather than only to developers. I think it's unfair that developers have got all the breaks and there has been no information available to people who run the condominiums after they're sold.

Community college courses should be available for condominium corporation directors who wish to take advantage of them. Ontario should establish a condominium hot-line at Queen's Park to provide information and to inform condominium corporations and directors regularly about the changes in legislation, in regulations, and in other practices or services which affect them. They should not be solely dependent on a newspaper published for private profit which may or may not be for their service and benefit.

Next, we believe that The Condominium Act needs to be reviewed once again, only this time we believe the review should be done with the active participation of condominium owners and not just their developers.

Finally, we believe there should be a continuing mechanism so that condominium needs are reflected and felt and heeded here in this Legislature and in the government. The members of the condominium inquiry as we propose it should continue to serve as a condominium advisory committee which would report regularly to the Legislature and to the public as further changes and improvements in condominium law and practice are required. This would give condominium owners the say at Queen's Park which they now lack.

Mr. Deputy Speaker: The hon. member's time has expired.

Mr. Cassidy: I have one more point, Mr. Speaker.

We also believe it is ludicrous that Ontario thinks of the condominiums—

Mr. B. Newman: Time.

Mr. Cassidy: —as a corporate law problem rather than as a housing problem. One more sentence.

Mr. Edighoffer: Time.

Mr. Cassidy: The responsibility for The Condominium Act and all services related to condominiums should be brought together in the Ministry of Housing.

Those are 10 points which we think are vital for adequate protection of condominiums.

Mr. Cunningham: Mr. Speaker, it may not be in order at this time but I'd like to say how inappropriate I found the remarks of the member for Mississauga East (Mr. Gregory) when he referred—I guess not in his capacity as chairman of the select committee on truck transportation on our highways—to the trip to Europe by one of his members on that committee. I must say I found it not only inappropriate but also inaccurate—

Mr. Gregory: That wasn't part of my speech.

Mr. Cunningham: —and highly unparliamentary. He said it.

Mr. Gregory: I didn't say it.

Mr. Cunningham: You did say it.

Mr. Gregory: I said it when I was heckling; I asked about the trip.

Mr. Deputy Speaker: Order, please.

Mr. Cunningham: Getting back to the principle of the bill, we've had condominiums in Ontario now for long over 10 years. It's disappointing to me to see that only now we're starting to take a really intelligent look at the situation. I certainly have a number in my riding and I would say to you that it's quite apparent it's going to be a trend that's going to continue. I think that it's an intelligent form of housing and one that's going to be much more affordable for people in lower incomes, or at least those individuals who don't want to designate more than 50 per cent of their income to acquiring a home.

The fact that we're looking at this at this time has to be indicative of some of the difficulties that exist within the process of government in itself, or at least this government. I'm glad that the Minister of Consumer and Commercial Relations (Mr. Handleman) is here at this time to catch just the tail end of these remarks. I think it would be of great benefit if Resolution No. 13, which I must commend

the member for—I've forgotten where he's from.

Mr. Leluk: York West.

Mr. Cunningham: York West—I must commend him for his resolution. I think it would be an intelligent solution to this problem. I think we have to have a select committee of people who are well-apprised of this situation—some lawyers and some of the people on all sides of this House, who I know share our concern. It is a real problem and I think that we could get a great deal of benefit from such a study.

The member for York West indicated in his remarks—or implied—that he was the only one who demonstrated some interest in this particular regard. I'd share with the House, just for the record, that in the last session the member for Etobicoke (Mr. Philip), who unfortunately can't be with us, tabled Bill 67, which was An Act to amend The Condominium Act. I think in that particular piece of private legislation, that particular member indicated his own dissatisfaction with the situation as it exists today, and the difficulties that condominium owners are facing.

I would say that the time has come for such a select committee to look at this problem. We see difficulties in rentals and in the agreements between condominium developers with prospective tenants who sometimes live there and exist at the expense of the people who've taken the time and the interest to buy these particular units.

I was drawn to the remark by the member for York West on the subject of payment of directors. The only inference I could get from your remark in that particular regard is that

it would be done to curb dishonesty. I would say to that member I don't think he's accurate in that sentiment whatsoever. I don't think that you can pay people to say that they won't be dishonest. It's probably one of the most inane things I've heard in this House since I've been here.

Mr. Philip: It is designed to hurt the small condominium.

Mr. Cunningham: I appreciate the concept of registration; I appreciate the sentiment echoed that it should be a self-regulating type of system and in many ways keeping with the thesis of The Home Warranties Act. I would hope that self-regulation, with a great deal of input by the condominium owners themselves, would be a good thing. All I would say to you at this point is that I would encourage the minister rethink his position on this particular issue. It's one that is going to become more complex and it's going to be a more serious issue as people get more involved in the development of condominiums. I think that we would be well served by a select committee.

Mr. Deputy Speaker: These matters will be discharged from the order paper.

Hon. Mr. Handleman: Before moving the adjournment, I just want to draw the attention of members that tomorrow's order will be No. 8. The motion stands in the name of the Minister of Energy (Mr. Timbrell) to discuss and debate the resolutions of the select committee inquiring into Hydro's proposed bulk power rate.

On motion by Hon. Mr. Handleman, the House adjourned at 6 p.m.

APPENDIX

(See page 4501)

Answers to questions were tabled as follows:

70. Mr. Foulds—Inquiry of the ministry: Could the ministry list the number of recommendations of each select committee established during the 29th Legislature that have been adopted as government policy, the number that have been rejected outright, and the number that are still under active consideration? Could the ministry then list those recommendations that have been adopted and give brief reasons for the adoption?

Answer by the Chairman of Cabinet:

Select Committees	No. of Reports	Recommendations
Land Drainage	2 (1 interim, 1 final)	105
Economic and Cultural Nationalism	8 (1 preliminary, 5 interim, 2 final)	130
Ontario Municipal Board	1	36
HEPCO—New Head Office Building	1	2
Motorized Snow Vehicles and All-terrain Vehicles	2 (1 interim, 1 final)	70
Utilization of Educational Facilities	4 (3 interim, 1 final)	43
Company Law—1975 Report on Loan and Trust Corps.	1	142
		—
Total recommendations		528
		—

All the recommendations have been carefully considered by the government, and many have been accepted and implemented in whole or in part. Notably, the reports on land drainage, motorized snow vehicles and company law have been extensively implemented. An examination of the recommendations will show that, in many cases, they are extremely broad, philosophical and directed toward long-term policy development. Consequently, any assessment of the extent to which subsequent government policy has reflected the various committee reports would be a highly subjective judgement. The recommendations and the government's subsequent policy statement and legislation are all a matter of public record.

CONTENTS

Monday, November 8, 1976

Point of privilege re statements in Hansard, Mr. Rollins.....	4491
Dundas PUC inquiry, statement by Mr. Timbrell.....	4491
Val Rita water supply, questions of Mr. Kerr: Mr. Lewis	4491
Environmental assessment exemptions, questions of Mr. Kerr: Mr. Lewis, Mr. S. Smith, Mr. Renwick	4492
Use of TDI, questions of B. Stephenson: Mr. Lewis	4493
Death of patient at mental health centre, questions of Mr. Taylor: Mr. S. Smith.....	4493
Browndale labour dispute, questions of B. Stephenson: Mr. S. Smith, Mr. McClellan....	4494
Water pollution, questions of Mr. Kerr: Mr. S. Smith, Mr. Gaunt.....	4494
Great West Steel plant closure, questions of B. Stephenson: Mr. di Santo	4495
CNR transfer, questions of Mr. Snow: Mr. Philip.....	4495
Timbertown project, questions of Mr. Bennett: Mr. Conway, Mr. Lewis.....	4495
Condominium home ownership, questions of Mr. Handleman: Ms. Gigantes, Mr. Roy, Mr. Philip	4496
Browndale operations, questions of Mrs. Birch: Mr. Eakins.....	4497
Niagara region official plan, questions of Mr. Rhodes: Mr. Swart.....	4497
Racial attack, questions of Mr. McMurtry: Mr. S. Smith	4498
Extortion case sentences, question of Mr. McMurtry: Mr. Renwick.....	4498
Ice storm damage, questions of Mr. Snow: Mr. Ruston	4498
Harbord Collegiate, questions of Mr. Wells: Mr. McClellan	4499
Student comment on education standards, question of Mr. Wells: Mr. McClellan	4500
Ottawa mill rates, question of Mr. McKeough: Mr. Roy.....	4500
Group residences for mentally retarded, question of Mr. Taylor: Mr. Wildman.....	4500
Bus decal programme, question of Mr. Snow: Mr. Peterson	4501
Motor Vehicle Accident Claims Amendment Act, Mr. Grande, first reading.....	4501
Tabling answer to question 70 on order paper, Mr. Welch.....	4501
Gift Tax Amendment Act, Mr. Meen, second reading.....	4501
Insurance Amendment Act, Mr. Handleman, second reading.....	4504
Third reading	4509
Motor Vehicle Accident Claims Amendment Act, Mr. Handleman, second reading	4510
Third reading	4510
Municipal Amendment Act, Mr. McKeough, second reading.....	4510

Regional Municipalities Amendment Act, Mr. McKeough, second reading.....	4516
District Municipality of Muskoka Amendment Act, Mr. McKeough, second reading.....	4517
Municipality of Metropolitan Toronto Amendment Act, Mr. McKeough, second reading.....	4518
County of Oxford Amendment Act, Mr. McKeough, second reading.....	4518
Municipality of Shuniah Act, Mr. McKeough, second reading.....	4521
Third reading	4521
Private members' hour re Condominium Amendment Act and Notice of Motion No. 13, Mr. Leluk, Mr. Philip, Mr. Hall, Mr. Gregory, Mr. Cassidy, Mr. Cunningham.....	4521
Motion to adjourn, Mr. Handleman, agreed to.....	4533
Appendix, answer to question on order paper.....	4534

SPEAKERS IN THIS ISSUE

Bennett, Hon. C.; Minister of Industry and Tourism (Ottawa South PC)
 Birch, Hon. M.; Provincial Secretary for Social Development (Scarborough East PC)
 Breithaupt, J. R. (Kitchener L)
 Bryden, M. (Beaches-Woodbine NDP)
 Cassidy, M. (Ottawa Centre NDP)
 Conway, S. (Renfrew North L)
 Cunningham, E. (Wentworth North L)
 Davidson, M. (Cambridge NDP)
 Deans, I. (Wentworth NDP)
 di Santo, O. (Downsview NDP)
 Eakins, J. (Victoria-Haliburton L)
 Edighoffer, H. (Perth L)
 Foulds, J. F. (Port Arthur NDP)
 Gaunt, M. (Huron-Bruce L)
 Gigantes, E. (Carleton East NDP)
 Good, E. R. (Waterloo North L)
 Grande, A. (Oakwood NDP)
 Gregory, M. E. C. (Mississauga East PC)
 Hall, R. (Lincoln L)
 Handleman, Hon. S. B.; Minister of Consumer and Commercial Relations (Carleton PC)
 Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
 Kerrio, V. (Niagara Falls L)
 Leluk, N. G. (York West PC)
 Lewis, S.; Leader of the Opposition (Scarborough West NDP)
 MacDonald, D. C. (York South NDP)
 Mancini, R. (Essex South L)
 McClellan, R. (Bellwoods NDP)
 McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental Affairs (Chatham-Kent PC)
 McMurtry, Hon. R.; Attorney General (Eglinton PC)
 Meen, Hon. A. K.; Minister of Revenue (York East PC)
 Newman, B. (Windsor-Walkerville L)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
 Norton, K. (Kingston and the Islands PC)
 Parrott, Hon. H. C.; Minister of Colleges and Universities (Oxford PC)
 Peterson, D. (London Centre L)
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 Wildman, B. (Algoma NDP)



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Third Session of the 30th Parliament

Tuesday, November 9, 1976

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. (Phone 965-2159)

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LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 9, 1976

The House met at 2 p.m.

Prayers.

Mr. Grossman: Mr. Speaker, just before the business of the day, I have with me some pieces of the anniversary cake on the 25th anniversary of Doctors Hospital, which we are pleased to celebrate this week. I would like to invite all the members of the assembly after question period, except for those who stay in the House, to join us in the government members' caucus office for a piece—there are 125—a piece of our 25th anniversary cake.

Mr. Nixon: Are you serving tea?

Mr. Stokes: Let them eat cake!

Mr. Breithaupt: Will there be a 26th?

Mr. Speaker: Statements by the ministry.

MUNICIPAL VOTERS' LISTS

Hon. Mr. Meen: Mr. Speaker, during the past week a controversy has arisen concerning the accuracy of the voters' list in Toronto's Ward 6. Claims have been made that a fair municipal election is not now possible.

Mr. Speaker, this is a very serious allegation, and since the assessment division of my ministry is responsible for conducting the annual Ontario enumeration from which these voters' lists, among other lists, are prepared, it is imperative that I assure voters in Ward 6 and elsewhere that such a charge is unfounded; and, indeed, every step available to us has been and will continue to be taken to ensure the accuracy of all final voters' lists in the province.

As has been reported, Mr. Peter Budd, a candidate in Ward 6, has sent a telegram to me in which he requests that a new enumeration be conducted in that ward. From my investigation I have found no irregularities which would warrant a second enumeration. I am confident that provisions in The Municipal Elections Act will more than adequately ensure the integrity of the final voters' list.

I believe it would be useful to put on record just exactly what steps are followed to create the final voters' list.

All information relating to property ownership, school support and voter eligibility is held in the standard assessment system computer file of the assessment division of my ministry. All ownership and tenancy changes are recorded in this file each year, and in an election year municipal enumeration forms are produced from this file covering every assessable unit, prior to the enumeration period. Enumerators hired and trained specifically for this purpose, visit all residential units in order to check the accuracy of the information on file. Changes indicated by the occupant of the property are recorded and the file is updated accordingly.

If no response is obtained on the enumerator's first call, he or she calls back at least one more time. If there is still no response, the enumeration notice is left at the door, together with a prepaid return envelope and with instructions to the occupant to verify the information on the notice and to return it to the local assessment office if any corrections are necessary.

Enumeration notices for commercial properties, both owner-occupied and rented, are mailed to the occupant with instructions to verify, and return the notice if corrections are to be made.

Prior to the production of the preliminary list of electors, a list of names in alphabetical sequence is produced for each municipality. At this time, this is checked in an effort to identify and remove any duplications. It is my ministry's policy not to exclude names from the list which cannot be absolutely verified as being the same individual, on the basis of all information available such as age, mailing address, Christian names and initials, and school support. This assures a voter that his name is not removed simply because it is similar to someone else's.

Throughout this whole process every effort is made by my ministry to obtain the correct information. However, as in federal and provincial elections, the final onus is on the individual to ensure that he is correctly identified and qualified. The fact that errors and

omissions can occur on a preliminary voters' list is readily acknowledged, and for this very reason provisions are made in the legislation for the clerk of the municipality to revise this list of electors.

In preparing the final list, the clerk is dependent on the public's willingness to check their eligibility as recorded on the preliminary list of electors. In my opinion, these steps provide more than adequate safeguards in the preparation of an accurate voters' list. In fact in a province-wide review by my ministry after the last municipal election, the volume of revisions constituted less than one per cent of the total number of voters listed. The higher rate of changes in Ward 6 can be attributed to the high density of commercial development where the onus is clearly on the occupant to respond to his enumeration notice.

If I may return to the case of Mr. Peter Budd, a candidate for alderman in Ward 6 of the city of Toronto, sufficient accurate information was not available to exclude him from the list for two commercial properties which he occupies on Yonge Street. In both cases the enumeration notices were mailed to Mr. Budd, but it appears he chose not to correct the errors on file and apparently did not return the corrected forms to the assessment office.

In light of all these circumstances, Mr. Speaker, I feel that any call for a new enumeration in Ward 6 is unnecessary.

Mr. Speaker: Oral questions.

DOMTAR MILL CLOSING

Mr. Lewis: A question of the Minister of Labour, Mr. Speaker: Has the Minister of Labour looked into the announced closing of the Georgetown mill of Domtar Fine Papers Limited with, if memory serves me, about 175 people to be thrown out of work? Has the minister looked at the company's reasons for closing the plant and some of the problems the company alleges it has? Is the ministry involved in any alternate work opportunities for the employees?

Hon. B. Stephenson: The hon. Leader of the Opposition is almost totally accurate in his estimate of the number of employees. It is exactly 176.

Yes, the ministry has been busily involved in examining the reasons given by Domtar regarding the need to close this plant; and their reasons for suggesting that a reasonably large number of the employees there may in fact move to the other plant where they can

be employed. We are involved in an employment adjustment service within our ministry and with the federal government.

Mr. Lewis: Supplementary: Since there are, I believe, some 66 employees with more than 15 years of service, many of them now in their 50s or beyond, is it possible for the ministry to take charge of the alternative employment opportunities and perhaps make a progress report to the employees over the next few weeks?

Hon. B. Stephenson: Each individual employee is interviewed in our programme, and consultant services are provided in terms of exploring job possibilities and job potentials, and, indeed, the counsellors assist the employees in finding new jobs. Each one is dealt with on an individual basis, and I'm sure that they are aware of the activities which go on within the employment adjustment programme.

Mr. Reed: Supplementary, Mr. Speaker: Would the minister be prepared to present her findings on the alternative possibilities and the results of the studies that her ministry is doing at the present time?

Hon. B. Stephenson: This will be an ongoing programme for at least the next eight, 10 or 12 weeks, and at the end of that time I'd be very pleased to provide the information.

REFORESTATION PROGRAMME

Mr. Lewis: To the Minister of Natural Resources: In light of the public controversy over reforestation, will the minister be introducing supplementary estimates, as other ministers are, within the next month or so to be applied directly to a stepped-up regeneration programme?

Hon. Mr. Bernier: That's a subject we'll have to discuss within the government, and when we're prepared to make that statement it will be there.

Hon. Mr. McKeough: There could be a lot of trees planted between now and March 31.

Mr. MacDonald: Supplementary: What did the minister mean when he said in that meeting up in northwestern Ontario that the government was a year and a half behind in its reforestation? A year and a half behind what?

Hon. Mr. Bernier: The comment I did make in Red Lake and Ear Falls where 450 people at Red Lake supported the Reed proposal—

Mr. MacDonald: I'm not interested. I want the answer to the question.

Hon. Mr. Bernier: Two hundred people in Ear Falls hailed the document as one of the greatest documents in the history of north-western Ontario.

Mr. Roy: They thought you were just great, eh?

Hon. Mr. Bernier: I indicated that in our policy option for the year 2020, which guarantees that by the year 2020 we will have 9.1 million cunits of wood fibre available for the industries of this province. We are approximately a year in a pause period, and we will be catching up on this shortfall.

Mr. Nixon: You are not going to be here in 1977.

Hon. Mr. Davis: Are you going to be here, Bob?

Mr. Foulds: Supplementary: Is it not a fact that unless the minister gets additional moneys to spend on forest management regeneration, he is into timber mining instead of reforestation of a renewable resource?

Hon. Mr. Bernier: No, Mr. Speaker, we're not in timber mining at all. We're in forest management and forest harvesting.

Mr. MacDonald: That's what the foresters say.

Interjections.

Mr. Speaker: Order, please. Order, please.

Hon. Mr. Bernier: In fact, I would say to the hon. member since we embarked on a very ambitious industrial expansion of the resources of northern Ontario in which we've brought a new paper mill into his community, a new waferboard plant into his community, a new waferboard plant into Atikokan, a new pulp mill—an expanded pulp mill—in the riding of the member for Lake Nipigon (Mr. Stokes), that we are now reviewing our 2020 programme. In fact we're looking for a 2050 programme, which will guarantee that by the year 2050 we will have over 12 million cunits of wood fibre available for that particular area.

Mr. Foulds: Point of order: I know that the minister did not intend to mislead the House, but in fact there is not a new pulp mill in my community. There was an expanded one.

WINTER WORKS PROJECTS

Mr. Lewis: May I ask the Premier, in the light of the unemployment figures which emerged I guess today, is there any intention on the part of cabinet for a special winter works undertaking—a special winter works programme?

Hon. Mr. Davis: Mr. Speaker, I haven't looked at the figures carefully myself yet. I think they are marginally less than a year ago, which is somewhat encouraging. They still are much higher than I think any of us would like to see. We're not contemplating at this moment a particular winter works project, say comparable to the elm tree programme or matters of that kind. The Treasurer (Mr. McKeough) and the government are constantly monitoring the economic situation, of course, but we are not contemplating a programme of that nature at this moment. [2:15]

Ms. Bryden: Supplementary to the Premier, Mr. Speaker: Is he not aware that the seasonally adjusted figure is up from 6.1 per cent to 6.3 per cent, and that 20,000 more workers are out of work?

Hon. Mr. Davis: Mr. Speaker, I understand there are 20,000 more workers out of work, seasonally adjusted, than a month ago, yes.

UNITED ASBESTOS PLANT

Mr. Lewis: Just one question to the Minister of Natural Resources: May I ask him a question which will, miraculously, bring credit to his ministry rather than disrepute?

Hon. Mr. Bernier: In that tone?

Mr. Lewis: May I? Thank you. I feel strongly about it.

Mr. Laughren: He won't know how to handle it.

Mr. Lewis: Could the minister give much greater currency and publication to the recent test results at Matachewan, which while they still indicate significant room for improvement, show also very important improvements since the previous series of tests, and demonstrate I think, that when you put—or would the minister not agree with me—that when you put really severe pressure on a company like United Asbestos they can end up implementing the changes that they said initially were not possible?

Hon. Mr. Bernier: Mr. Speaker, certainly I'd be glad to take that suggestion. I'm sure the hon. Leader of the Opposition is aware that we are providing his caucus—

Mr. Lewis: Yes.

Hon. Mr. Bernier: —with regular reports of the testing that's going on. If he wants to speed those up, we'll attempt to work very closely with the Ministry of Health and get those out to him as quickly as we can.

Mr. Lewis: Okay. May I ask a supplementary: Has the minister conducted—these tests are now mid-October, with some major plant changes in process—has the ministry taken another series of tests in the last three to four weeks?

Hon. Mr. Bernier: I could check on that, Mr. Speaker, but I would say that our staff is there on a weekly basis and there have been tests coming out on a fairly regular basis. Just the exact timing of that I'm not sure, but I'll get the information for him.

Mr. Lewis: No further questions, Mr. Speaker.

Mr. Bain: Supplementary: I'd just like to inquire of the minister: Does he feel that he's had sufficient staff to monitor mines across this province? Considering that this portion of his ministry will be transferred into the Ministry of Labour, if it hasn't had sufficient staff, what target does he feel is necessary in order to carry out an ongoing monitoring system so that we don't only deal with problem areas, but have the whole area of mining adequately covered and monitored?

Hon. Mr. Bernier: I think this question will be adequately answered in the weeks ahead, as the branch gets moved into a new ministry and as we co-ordinate our activities with regard to the inspection of that particular industry. I'm sure the member will be looking forward to the results of that change.

LINGUISTIC RIGHTS

Mr. Breithaupt: Mr. Speaker, a question of the Minister of Labour: Is the minister aware that in the Sudbury district the International Nickel Company permits as its working language only the English language and that the 8,000-odd Inco workers from this 30 per cent francophone area of Ontario must pass job examinations for categories printed in English only, are able to lodge grievances in English

only and have available to them a safety instruction manual printed in English only?

Hon. B. Stephenson: Mr. Speaker, I had not been aware of it until I read about the grievance lodged by a francophone worker at Inco who has complained that he was unable to lodge his grievance in his own language. We have been exploring this problem and we will be reporting to the House later about it.

Mr. Breithaupt: One supplementary, Mr. Speaker, to this matter of linguistic rights: Will the minister enter into any general review of the various areas of heavy industry, where particular safety problems might occur quite quickly, to ensure that there is proper availability of safety manuals and instructions in the particular languages that might be used substantially by the members of the work force, whether, for example, it might be the need for the Italian language in Toronto or some other language to ensure that the workers are getting the best possible balance of protection in these cases?

Hon. B. Stephenson: Since occupational safety and health is one of the highest priority activities in the Ministry of Labour and since communication is a very important part of that activity, we shall most certainly be attempting to ensure that communication is as complete as possible in all of the languages which are necessary.

Mr. Laughren: In view of the fact that mining is under the jurisdiction of the Minister of Natural Resources (Mr. Bernier) still, I believe, would she check with him, in view of the fact that he already knew that this problem existed and had not done anything about it?

Hon. B. Stephenson: The responsibility for this activity will remain under the Ministry of Natural Resources until this House agrees to the legislation which we have proposed, which I hope will be in the not-too-distant future. In the meantime, I shall be pleased to consult with my colleague.

Mr. di Santo: I'd like to ask the Minister of Labour whatever happened to the pilot safety project in Italian and does she consider that that kind of project can meet the needs of the Italian workers in Metro Toronto?

Hon. B. Stephenson: The results of the Italian project are not entirely tabulated as yet. I think it was a useful exercise. I do not think it can meet the needs completely, but I think it is one way of making Italian-speak-

ing workers aware of the availability of assistance when they have problems in terms of health and safety.

DEATH OF INCO WORKER

Mr. Breithaupt: A question of the Minister of Natural Resources: Is the minister aware of the inquest into the death of an Inco worker, Samuel Beals, and the recommendation of the coroner's jury calling for changes in The Mining Act regarding, in particular, the re-railing of ore cars? If so, does he plan to correct this dangerous situation which apparently occurs daily in the mines?

Hon. Mr. Bernier: Yes, I am very much aware of that. In fact, we have a committee within the government now working very closely with labour, with industry and with my own ministry in bringing forward and recommending changes to The Mining Act. I will personally make sure that they are aware of the recommendations of the coroner's inquest.

Mr. Laughren: Supplementary: While the minister is recommending changes, would he also recommend that miners themselves be allowed to sit on inquest committees when there are fatalities in the mining industry?

Hon. Mr. Bernier: Yes, I would be glad to recommend that to the committee looking at revisions to The Mining Act for their consideration.

INTERMEDIATE CAPACITY TRANSPORT SYSTEM

Mr. Breithaupt: A final question to the Minister of Transportation and Communications: Can the minister report to us on the progress of the intermediate capacity transit programme undertaken by UTDC, specifically whether it's under budget, over budget or whatever it may be? Secondly, why have we had no announcement as yet concerning the location of the proposed test track, which appears to be long overdue?

Hon. Mr. Snow: The programme is proceeding on schedule. I have not had a report recently from the corporation as to the budget; I've not had any report, however, that it is any different than what was budgeted. I expect within the next two weeks to be able to make an announcement to the House on the location of the test track site.

Mr. Breithaupt: When he makes that statement, would the minister as well give us the

information, since there has been a great deal of controversy over the state of UTDC's finances, with respect to exactly how much money the government will have injected at that time into this corporation for the ICTS project or any other project?

Hon. Mr. Snow: Yes.

Mr. Roy: I have a supplementary dealing with this particular project. In view of the fact, as I understood it, that in the Krauss-Maffei situation we were left with parts, test tracks and everything else in Munich, have we been making use of all that equipment? If we have, has the minister got his little sign out saying that it is part of the Ontario government contribution?

Mr. Breithaupt: He is getting decals made.

Mr. Nixon: They don't emphasize that any more.

Hon. Mr. Snow: The UTDC did make considerable use, I understand, of the test facilities in Munich.

Mr. Roy: In Munich?

Hon. Mr. Snow: They made all the use they required of what was available to them. They're not using them at the present time.

Mr. Roy: Supplementary on this?

Mr. Speaker: One more supplementary.

Mr. Roy: Could the minister just be more specific and tell us what use was made of it, in view of the fact that that test track out there, as I understood it, was for vehicles without wheels and the vehicles proposed in the new programme have wheels?

Mr. Ruston: Can it go around corners?

Hon. Mr. Snow: I don't believe they make use of the test track for the current intermediate capacity system at all. I believe they did make use of it to test out certain other components.

Mr. Peterson: Are you for or against the wheel?

Mr. Speaker: Was that the final question?

Mr. Breithaupt: Yes, Mr. Speaker, thank you.

TEXTILE EMPLOYMENT

Mr. Samis: A question of the Minister of Industry and Tourism: Can the minister tell us what special action he is prepared to take

to help find alternative sources of employment in the Millhaven area in view of the fact that 216 employees were permanently laid off last week, in view of the fact that of 452 employees laid off in the spring only 100 have been called back and in view of the fact that the federal government doesn't seem to be willing to move further than the action announced recently? And in saying that, Mr. Speaker, I do recognize the efforts of the minister to pressure the federal government.

Hon. Mr. Bennett: Mr. Speaker, I am sure it would be of interest to the House that representatives of the textile field, to which we are referring in this question, along with provincial representatives, will be meeting with Mr. Chretien later this week to discuss the possibilities and the alternatives that the federal government might be able to implement to try to bring back the Canadian market and thereby secure some of the employment. Until that meeting has concluded, sir, I have no further comments to make, other than that Ontario will be making a very strong case at that meeting.

Mr. Samis: Supplementary: I wonder if the minister could explain a statement in the November 4 issue of the Kingston Whig-Standard, made by the member for Prince Edward-Lennox (Mr. Taylor), who said that he knew of some plans for the area and explained: "I know there will be other developments that will assist and they should gel soon." Does the member know of something that the minister doesn't in this regard?

Mr. Roy: It wouldn't be the first time, eh, Claude?

Hon. Mr. Bennett: Mr. Speaker, I would have to consult with the member for Prince Edward-Lennox to find out which particular project he was referring to. But let me assure the hon. member for Cornwall (Mr. Samis) there are several projects we are looking at in that particular area—

Mr. Roy: Remember Edwardsburgh?

Hon. Mr. Bennett: —whether they be a direct supplement for the textile industry, I'm not prepared to say at this moment.

Mr. McKessock: Mr. Speaker, by way of supplementary, I'd like to assure the Minister of Industry and Tourism that this isn't just happening in the other member's area. In Markdale yesterday—

Some hon. members: Question!

Mr. McKessock: —they got notice that in eight weeks' time their only factory is closing down, and in Palmerston there is a similar situation. Can the minister tell me why the companies are moving out of Ontario to Montreal in these two cases?

Mr. Lewis: It is in anticipation.

Hon. Mr. Rhodes: Are you kidding? They are on their way back.

Hon. Mr. Bennett: Mr. Speaker, in defence of Ontario companies, I would have to say I am not aware of any great number of them—

Mr. Breithaupt: René Levesque made them an offer they couldn't refuse.

Hon. Mr. Bennett: —indeed, I am not aware of any one in particular that is moving in that particular direction at this moment.

Hon. Mr. Handleman: It's a one-way street.

Hon. Mr. Rhodes: Their leader was ahead of his time.

Hon. Mr. Bennett: And I would think that until some time after November 15 there will be very few decisions made about moving in that direction.

BUS DECAL PROGRAMME

Mr. Peterson: A question of the Minister of Transportation and Communications, Mr. Speaker: I would like to pursue, if I may, the matter we were discussing yesterday when the minister was saved by the bell. Could the minister tell me the total cost in the province of Ontario of his programme to put these decals on the sides of the various buses?

Hon. Mr. Snow: It is my understanding that there are roughly 4,500 transit vehicles in the province; that includes buses, streetcars and subway cars. As I stated yesterday, the cost of the decals is 71 cents each and the cost of the installation would be very minimal. They are very simple decals to install.

Mr. Peterson: Is the minister aware of Michael Warren's comment that in Metro Toronto alone it will probably cost \$25,000 to implement this programme because they have to move decals and the many complications in the programme?

Mr. Shore: Better check those figures for him.

Mr. Peterson: Is the minister aware of that and what is his response?

Hon. Mr. Snow: I am very much aware of Mr. Warren's comments. He is completely off-base on that comment—

Mr. Lewis: Michael Warren?

Hon. Mr. Snow: —as he has been on several other comments.

Some hon. members: Oh, oh.

Mr. Peterson: Supplementary, Mr. Speaker?

Mr. Speaker: One final supplementary on this by the hon. member.

Mr. Peterson: Does the minister not feel, in view of the restraint programmes that the rest of his cabinet colleagues are talking about, that if he is going to do it, at least he should put on the decal that it is being paid for by the taxpayers of Ontario and not his government?

Hon. Mr. Davis: So are the machines.

Hon. Mr. Snow: I think that is one and the same thing.

Hon. W. Newman: Aren't you proud of the province?

Mr. Speaker: Order, please.

Mr. Roy: Mr. Speaker—

Mr. Speaker: Is this a supplementary?

Mr. Roy: Yes.

Mr. Speaker: All right. One final supplementary on this question.

Mr. Roy: By way of supplementary, I wonder if the minister might explain if the decal, as he calls it, has to go pursuant to the instructions at the front of the curved roof panel above the right front wheel shield just to the right of the "no smoking" decal? Is that exactly where he wants it? Why does he bother with this—

[2:30]

Mr. Speaker: Order, please.

Hon. Mr. Snow: A letter went out from my ministry to the transit authorities requesting that this decal be installed. It did request that it be installed preferably in a certain location. I did not see the wording of that particular letter before it went out.

Mr. Peterson: Are you denying responsibility?

Hon. Mr. Snow: It is not necessary as far as I am concerned that the decal be in that particular location, if it interferes with—

Mr. Roy: A no smoking sign.

Hon. Mr. Snow: —the colour scheme or another insignia of the transit authority.

Mr. Mancini: You know where it should be.

Hon. Mr. Snow: As soon as this was brought to my attention I made that known to the operators.

Mr. Roy: Are you going to put signs in front of schools?

Hon. Mr. Rhodes: No, that is what your federal friends do.

Mr. S. Smith: Put them on the hospitals.

Mr. Lewis: John, relax.

Mr. Roy: Try to control yours, Mr. Rhodes.

Hon. Mr. Davis: How was your meeting with Pierre, Stuart?

Mr. S. Smith: Next time I will bring you a cigar.

Mr. Speaker: The hon. Minister of Transportation and Communications has the answer to a question asked yesterday.

ICE STORM DAMAGE

Hon. Mr. Snow: Mr. Speaker, yesterday the hon. member for Essex North (Mr. Ruston) raised a question regarding a supplementary grant which was made available, I believe, to a municipality within his riding, relating to the additional costs that municipality had from the severe ice storm in western Ontario last year. He inquired as to whether that was the only municipality which got such a grant and whether it was because the mayor of that municipality is a PC candidate.

I'd like to answer that question a little more fully than when I replied yesterday. The following municipalities got supplementary grants relating to the ice storm: The town of Ridgetown; the town of Forest; the town of Petrolia; the town of Wallaceburg; the city of St. Thomas; the town of Exeter; the regional municipality of Niagara; the city of Port Colborne; the town of Fort Erie; the township of Wainfleet; and the township of East Williams. That makes a total of 11 municipalities which got a total allocation of \$138,600 for this purpose. I

was unable to determine definitely but to my knowledge, the mayors of all 11 of those municipalities are not Conservative candidates.

Mr. Roy: Your recruitment is down in that area.

Hon. Mr. Davis: Look at your own recruitment.

Mr. Roy: You have to give them odd jobs like looking at condominiums.

ONTARIO HYDRO SUSPENSIONS

Mr. Bain: I'd like to direct a question to the Minister of Energy. Would he direct Ontario Hydro to cease and desist its programme of suspending for one day all employees who joined in the national day of protest on October 14 against the anti-inflation programme? Would he further instruct or persuade Ontario Hydro to restore the day's pay of all those who have been so unjustly suspended and docked a day's pay?

Mr. Kerrio: They gave two days' suspension.

Hon. Mr. Timbrell: Mr. Speaker, the answer to the first part is, no. The answer to the second part is, no.

Mr. Peterson: Says he with a sneer.

Mr. Bain: A supplementary: Does the minister not think that his attitude and the attitude of Ontario Hydro is going to accomplish nothing positive? Does he not feel it is going to further disturb relations between management and the workers?

Mr. Speaker: We are debating the question now. Order, please.

Hon. Mr. Handleman: Maybe they will stay at work next time.

REMOVAL OF TEXTBOOKS

Mr. Givens: A question of the Minister of Education: How does the minister reply to the accusations levelled at him by Professor Kenneth McNaught of the department of history of the University of Toronto, who has charged that he is directly culpable of thought control, censorship and supine surrender because he acquiesced to the removal of a number of textbooks from the list of books approved for use in Ontario schools because of the intervention of Professors L.

M. Kenny, and J. R. Blackburn of the University of Toronto's Islamic studies department and by the Canadian Society of Moslems?

Hon. Mr. Wells: Mr. Speaker, I plead not guilty.

Mr. Roy: Plead insanity.

Mr. Givens: Mr. Speaker, is there indeed an office in the minister's department which deals with the question of censorship of books on the ministry's approved list for use in Ontario schools and what are the criteria that such a person uses with respect to the censorship of such books?

Hon. Mr. Wells: Well, let me say, Mr. Speaker, that we don't censor any books and we certainly would never consider censoring books.

Mr. Peterson: Well, what about Roy? Does Roy agree with you?

Hon. Mr. Wells: Our concern is that there be used in this province textbooks that are free of bias. Now, I realize when I say that, that that's a very difficult thing to achieve because to one person what is biased and what should be taken out because it is out-right bias is perhaps to another person a case of censorship. But we try to achieve in the textbooks that are used in the schools of this province no sex bias—now in saying that I don't mean that every book that is used in this province doesn't have sex stereotyping because there still are some that do—because we can't remove all books and have books that fulfil that criterion overnight.

We are trying to remove racial bias particularly as it pertains to the native peoples of this country; a bias which is today thought to be out of place but 20 years ago perhaps was not—so it is a very difficult area.

In regard to the books that you are referring to concerning the Islamic religion and Moslems, we have been working over the last year and a half, not with the people from the University of Toronto but the Council of Moslem Societies and some very reputable people in this province, concerning certain textbooks which they felt cast some biased slur on the Islamic religion.

After much discussion with them we decided to remove several of them from our Circular 14 list and we have under consideration several others but certainly the kind of charges attributed by the good professor at the university against what we are doing, I think, are unfounded. All we are trying to do is achieve in this province a situation where

no group can charge that the textbooks used in our schools are casting unfair bias on another racial group. But I would be the last one to suggest we should ever consider censorship and I think it's a very fine line—we have to tread that fine line but we have to be concerned about bias in textbooks.

Mr. Givens: Supplementary: Does the minister personally look at these books that his ministry has occasion to remove from the approved list?

Hon. Mr. Wells: I purposely try to not look at the books because I don't want people to attribute political bias to what we do and really unless someone has—

Mr. Peterson: That's a refreshing change.

Hon. Mr. Wells: —specifically drawn it to my attention, I leave it to people in our ministry, working with other groups, working with the Ontario Human Rights Commission and others, to do this job. Now what is basically done—

Mr. Mancini: Does Roy look at those magazines?

Mr. R. S. Smith: I don't think you should look at the budget either.

Hon. Mr. Wells: —is that we don't censor. We will look for people who are publishing new textbooks. We will look at the manuscripts and if there are indications of areas that might have bias we will suggest to them that these perhaps are areas where bias is present. It is up to the publisher whether he wants to publish that book then or not.

UNIVERSITY ENROLMENT DATA

Ms. Sandeman: A question for the Minister of Colleges and Universities: Could the minister please tell us to what use the ministry intends to put this massive collection of computer data from Statistics Canada, USIS data base, particularly in view of the fact that most of the statistics contain therein a breakdown of university enrolment based on the country of origin of the students and further country of origin of students in individual programmes and individual faculties, by university?

Hon. Mr. Parrott: I must confess I haven't seen that publication. If the member would like to send it to me, I will take a look at it later and report to the House.

Mr. Lewis: Supplementary: May I ask you to look at it in the context of the concern

that it is causing in some of the university circles over the use that might be made of information quite as explicit as that in identifying backgrounds of every individual student in individual programmes? Some are quite concerned.

Hon. Mr. Parrott: Yes, I will take a look at it.

TOWNSEND SITE

Mr. Nixon: I have a question for the Minister of Housing. Has he received notice from the council of the regional municipality of Haldimand-Norfolk requesting that the government's programme to go ahead with the development of the new town on the Townsend site be postponed for a period of time so that the serviced lots presently available in the area will be used up, rather than going on with the expenditure of funds for the servicing of the town?

Hon. Mr. Rhodes: Yes, I received notice that they had requested that there be a delay in the project. No, they have not suggested the reason was to use up the existing serviced lots.

Mr. Nixon: Supplementary: I wonder if the minister could tell us what his response will be to the request? Does he recall a report that was commissioned within the Ministry of Housing which was made public, I believe, last June which recommended that the ministry set a new timetable, since there was a real chance that up to \$40 million in servicing would be spent in the new townsite up to three years before it might be required?

Hon. Mr. Rhodes: It is my intention to meet with the regional council, as it was their request that we meet with them—myself and two of my colleagues—to discuss what their concerns are. We had not anticipated the expenditure of funds for servicing to be three years ahead of schedule. I think, as the hon. member knows, the intention was that we would be in a position to begin building houses in that particular area in 1978, and that the servicing would be available for the initial stages of that development.

Mr. Makarchuk: Supplementary: Is the minister aware that if he suspends the development of the Townsend site that will allow the speculators in that area to jack up the prices of land to exorbitant levels?

Hon. Mr. Rhodes: I have never at any time suggested that we would suspend development of the site. As the hon. member knows,

we have been progressing towards the goal of having that land on stream and ready for building in 1978. If the regional council of Haldimand-Norfolk has some information that we are not aware of, then, of course, we would like to discuss it with them. There has been some concern, I understand, expressed by the regional council that our population projections are overoptimistic. Our original figures for the early part of that project in 1978 are not, I suggest, out of line with those that are being used by the region. But we want to discuss the matter with them.

Mr. Speaker: The hon. Minister of Transportation and Communications has the answer to a previous question.

Mr. G. I. Miller: One further question.

Mr. Speaker: All right.

Mr. G. I. Miller: Is the townsite on schedule at the present time?

Hon. Mr. Rhodes: To the best of my understanding, the planning process has gone along and is now on schedule. We were and still are anticipating that if things go as they have been projected to go we would have housing built by 1978.

CNR TRANSFER

Hon. Mr. Snow: Yesterday the hon. member for Etobicoke (Mr. Philip) asked me a question regarding the possible transfer of certain wheel-manufacturing facilities from Toronto to Montreal by the CNR. I have had an opportunity this morning, to make a preliminary inquiry to the Canadian National Railways. I have established the fact that CNR has never had a wheel-manufacturing facility in Toronto. CN advises that it does certain processing of wheels and, I believe, rebuilding of wheels in Toronto and that this operation, which was done until recently at its Toronto shop, has been transferred to Montreal.

However, I am advised that a formerly Montreal-based CNR maintenance operation, requiring essentially the same type of employees and, I believe, maybe a slightly larger number, has been moved to Toronto. In essence, there will be no loss of jobs in the Toronto area as a result of CNR changes in its maintenance facilities.

OHIP DENTAL BENEFITS

Mr. Foulds: I have a question of the Minister of Health: Is the minister aware

that changes implemented by OHIP in July with regard to oral surgery have caused severe hardships to many patients who have been denied hospital care when such was obviously necessary for health and safety purposes?

Hon. F. S. Miller: I am very familiar with the topic the hon. member discussed and I am not sure he is correct in his conclusions. Certain changes were made in the dental benefits under OHIP which in effect eliminated one of the abuses of the system—the abuse that led to people having a number of teeth taken out simply to qualify for free dental coverage.

[2:45]

Mr. Bain: That is a case for a free dental programme then.

Hon. F. S. Miller: However, we left it clearly evident any person who needed to be in hospital for dental treatment because of their general health or for any other reason—for example, a severe heart patient, a child who may have epilepsy, this type of thing—could have the coverage in hospital prearranged. Some dentists were not quite familiar with the new procedures; some also felt we didn't accept their assessment or other people's assessments properly. I've talked about this within the last week or two with the ODA. I believe the original misconceptions and misunderstandings are being pretty well worked out, and that in fact we are paying for hospital benefits when a person should be admitted to hospital for any dental treatment.

Mr. Foulds: Supplementary: Would the minister then consider the following cases abuses, or does he think they should have been admitted to hospital—which has been rejected by OHIP—a 72-year-old-man who requires extraction of 24 teeth and suffers from chronic ulcer disease; a 62-year-old gentleman requiring nine extractions who had a lung removed—

Mr. Speaker: May I suggest we're going into too much detail? I think you've quoted enough examples.

Mr. Foulds: —a female patient, requiring 14 extractions, 73 years old with a chronic ulcer?

Mr. Speaker: Thank you. Order, please.

Hon. F. S. Miller: Mr. Speaker, I have seen one or two that I think errors were

made on. I'm quite willing to have any specific case that was denied looked at.

Mr. Foulds: One final supplementary: How does the minister justify OHIP's direction to two oral surgeons in Thunder Bay that they cannot have their patients referred to a general physician for a medical history before they proceed with their surgery?

Hon. F. S. Miller: I'm not going to try to until I find out something about it.

COMPANY RELOCATIONS

Mr. McKessock: A question of the Minister of Industry and Tourism: In view of the fact that the minister is not aware that Junior Footwear, of Markdale, Mount Forest and Aurora, is moving to Montreal, and also Heritage Kitchens of Palmerston, and now that the minister is aware, what is he prepared to do to help these small towns that desperately need these industries?

Hon. Mr. Bennett: I sent a note across to the member asking him if he would inform me of the companies because I'd be pleased to look at the situation. The leather industry in this province has been in trouble for a great number of months, if not years, as a result of, again, low cost imports coming into this province and into the country. I will take the names of the companies and have it looked into. I think it's likely an amalgamation.

INDUSTRIAL DEVELOPMENT

Mr. Breaugh: Mr. Speaker, a question to the Minister of Industry and Tourism: What role did his ministry play in the establishment of new CKD units for General Motors of Canada in Tillsonburg and the parts and service department in Woodstock? What incentives did the ministry give to General Motors to do that?

Hon. Mr. Bennett: We in the ministry have not added any incentives for General Motors to locate in any of the different parts of the province of Ontario. I will admit to this House that the Minister of Treasury, Economics and Intergovernmental Affairs, the Minister of Housing, the Resources Development policy field and myself have met with the executive officers of that corporation to discuss their future development plans in this province.

Mr. Breaugh: Supplementary: I wonder if the minister—since he's not being very specific

about this—now has a policy of allocating unemployment to industrial areas? In this instance, he took 350 jobs out of that Oshawa situation and put 60 people under the benefits of the Workmen's Compensation Board disability pension. Is that his policy in this area, to allocate from existing industrial bases to other areas of the province?

Hon. Mr. Bennett: Mr. Speaker, we have given advice and suggestions to private investors in this province, and in luring new investors into the province as well. We have never in this government taken the initiative nor the position, nor are we intending to, to start dictating to companies where they must invest their dollars for industrial development in the province of Ontario. We will try to explain to those investors where we believe their funds would be best invested in the economic interests of the province of Ontario, but in the final analysis the economic interests of the companies must also be kept very clearly in mind if they are to survive and continue to produce an economy worthy of the province of Ontario.

Mr. Moffatt: Supplementary: In the light of the answer by the minister, I wonder if the minister could assure us that he has read the document tabled by the Treasurer last May, entitled "The Durham Subregion," in which it is indicated that a number of jobs will have to be created in that area? If he has read it would he please tell us how that jibes with his statement this afternoon?

Hon. Mr. Bennett: Mr. Speaker, we make known to the industrialists coming into Ontario or those presently here how we see the advancement of the province of Ontario. In that document—or in any of the other documents we've produced—it was not a compulsory direction for industry to go, but a very clear indication of where the opportunities and the potential will exist in Ontario.

SUMMER EMPLOYMENT FOR STUDENTS

Mr. S. Smith: Mr. Speaker, a question for the Minister of Colleges and Universities, National Student Day and all that—

Hon. Mr. Davis: What is the "all that"?

Mr. S. Smith: Can the minister tell us whether he's aware of the student employment survey prepared by the Carleton students' association in which it's indicated that students who come from low-income homes have had considerably more difficulty than

other students have had in finding summer employment this year? Is he aware of this study and has he drawn any implications from that study with regard to future government policy in student aid programmes?

Hon. Mr. Parrott: Yes, I'm very aware of it. I had the pleasure of being at the University of Western Ontario this morning and there was a very excellent presentation which outlined that particular study plus many others. I thought it was a good presentation and I have taken a look at it.

I'm not quite prepared to agree with the leader of the third party that one can draw a straight-line relationship between the two facts he presented. We're well aware that there are differences in the socio-economic mix. We're not too certain—and I don't think anyone is yet prepared to state categorically that they are certain—of the causative factors of that socio-economic mix. We feel that with the generous student assistance programme in this province—I made the statement this morning at Western that it's the most generous of any province in Canada and there was not a single soul there who denied that or indeed challenged it—I think with the generous student assistance programme of this province, which is aimed directly at helping those in the lower income brackets, we are making a very strong effort to overcome that factor.

Mr. S. Smith: By way of supplementary: Has the minister any studies in his own ministry to determine whether or not it is a fact that students from low-income households have the further disadvantage of being unable to find summer employment? Can he tell us whether he is drafting his new policies to take that into account and what he is going to do to take that into account?

Hon. Mr. Parrott: I would think that before too long the government's announcement of next year's programmes will be made. I think there are two or three programmes which are well under way in that regard.

I have looked at that. We do not have a direct study on the subject matter but I think that involves more than just my ministry. Indeed, all the various ministries of this government are concerned. I think the member knows that a very extensive programme was in place last year and I would expect it would be in place in a future year.

Mr. Speaker: Just before we call on the hon. Attorney General for an answer to a question asked previously, perhaps we might

have the lights turned down now that the cameras have gone? Thank you.

The hon. Attorney General.

Mr. Peterson: But the Attorney General is getting up, Mr. Speaker. Get more lights for him.

Interjections.

Mr. Speaker: I understand he'll throw some light on another situation.

Interjections.

Hon. Mr. McMurtry: Mr. Speaker, I have a preliminary—

Hon. Mr. Davis: Why is the member for London Centre (Mr. Peterson) so worried about the lights being on?

Mr. Speaker: Order, please. Let's hear the answer. Order.

Hon. Mr. Davis: We're trying to conserve energy.

Mr. Peterson: I'm worried about Roy.

RACIAL ATTACK

Hon. Mr. McMurtry: Mr. Speaker, I have a preliminary answer to a question the leader of the Liberal Party asked in this Legislature on October 26 and yesterday regarding an alleged assault on September 30 during a religious festival on Weston Road.

Upon receiving a letter and attached petition from Mr. R. N. Sarkar, dated October 9 and received in my office on October 21, I requested that a full report on the incident be made available to me.

I now understand that my colleague, the Solicitor General (Mr. MacBeth), had made a similar request of Chief Adamson on October 7 in response to a query from the member for York South (Mr. MacDonald) and that he is in receipt of a preliminary report dated October 19 from an inspector of No. 12 division of the Metropolitan Toronto police force.

I'm also informed that Chief Adamson personally has appointed a sergeant from the complaints bureau to investigate the matter further. It is anticipated by Chief Adamson that a full, detailed report will not be available for about another 10 days. At the same time, Mr. Speaker, I'd like to point out that the incident of September 30 and the complaints arising from the incident are being

viewed most seriously, and consequently I'm satisfied that a very detailed investigation has been undertaken.

Mr. Roy: I wouldn't count on it.

Mr. Speaker: The oral question period has expired.

Petitions.

Presenting reports.

REPORTS

Hon. Mr. Kerr presented the annual report of the Ministry of the Environment for the fiscal year ending March 31, 1975.

Hon Mr. Bernier: It is my pleasure, Mr. Speaker, to present through you to the members of the House the annual report of the Algonquin Forestry Authority covering the period beginning April 1, 1975, and ending March 31, 1976. The report summarizes the first full year of the authority under the operational direction of the general manager, Mr. I. D. Bird, whose appointment became effective on April 1, 1975.

As the members are well aware, the authority's objectives are defined in the Algonquin Provincial Park Master Plan, published by my ministry in 1974. I am most pleased with the progress achieved by the chairman, Prof. Vidar Nordin, and his board of directors of the authority in establishing a new venture in an atmosphere of apprehension and controversy.

The successful year recorded in this report is a reflection of the excellent support and collaboration of the forest industries as well as other agencies and individuals, too numerous to identify, who support the multiple-use concept of park resources.

An hon. member: It is, coincidentally, after the estimates—just a coincidence.

Mr. Speaker: Motions.

Introduction of bills.

Mr. Singer: Mr. Speaker, as we are approaching November 11, the day of remembrance, could I on your behalf, sir, and on behalf of the members of the Legislature, bring the greetings of all of us to the Royal Canadian Legion, who are bringing to a close the celebration of the 50th anniversary of their founding.

MOTOR VEHICLE ACCIDENT CLAIMS AMENDMENT ACT

Mr. Speaker: Yesterday the hon. member for Oakwood (Mr. Grande) introduced a bill to amend The Motor Vehicle Accident Claims Act. It has been brought to my attention that as this bill calls for an expenditure of public moneys it is out of order for a private member and must be removed from the order paper. The member has been so informed and agrees.

ANSWER TO WRITTEN QUESTION

Hon. Mr. Welch: Mr. Speaker, before the orders of the day I wish to table the answer to question 141 standing on the notice paper. (See sessional paper 131.)

Mr. Breithaupt: All that for one question?

Mr. Speaker: Orders of the day.

NOTICE OF MOTION No. 8

Hon. Mr. Timbrell moved resolution No. 8:

Resolved: that the order for adoption of the final report of the select committee inquiring into Hydro's proposed bulk power rates be discharged but that the House adopt the following resolution in lieu thereof:

"That the Legislature adopt the policy direction of the select committee's report and the modifications as proposed by the government to specific recommendations as follows":

III-7. (re bulk metering) That the Legislature endorse the study of bulk metering practices now being conducted by Ontario Hydro and the municipal utilities to be completed within 12 months, and that, recommendations from Ontario Hydro be considered by the government at that time; and that, in the interim, the Legislature further endorse the moratorium on conversions to or from bulk metering which has been initiated by the municipal utilities;

III-11. (re revolving capital pool for industry) That pending study by the government as to the financial implications and statutory requirements of a revolving capital pool for industry, and as to whether this would be the best technique to encourage energy conservation by industry, a decision on this recommendation be deferred;

III-18. (re peak reduction targets) That the government make an interim report to the Legislature within two months on the specific peak demand reduction targets which are to

be met by Ontario Hydro for each year over the next 10 years, and the changes, legislative and otherwise, which must be made to permit a workable load management programme;

III-23. That pending the development of, and experience with, Hydro's load management programme, Ontario Hydro not further reduce its targets for adding generation capacity in the next 10 years;

III-24. That pending the development of, and experience with, Hydro's load management programme, Ontario Hydro not develop a new generation plan which would reduce its planned growth in its generation capacity;

III-27. (re James Bay) That the government request Ontario Hydro to continue its investigations of the potential which might exist for Ontario from developments of the hydro-electric potential in the Baie James area of Quebec; and that in view of public hearings being held by the royal commission on electric power planning and their intent to make recommendations to the government on hydro-electric resource development in the province, the government advise Ontario Hydro that there will be no development of the Albany River at this time;

III-28. (re examination of nuclear commitment) That the Legislature endorse the review of nuclear power being conducted by the royal commission on electric power planning;

III-29 (iii) (re monitoring select committee) That in order to permit sufficient time to implement the recommendations approved by the Legislature, consideration of a monitoring select committee be deferred for one year;

IV-3. That, considering water power is an energy resource in the same vein as coal, uranium, oil and natural gas, Ontario Hydro not be exempt from water power rentals.

Hon. Mr. Timbrell: Mr. Speaker, I offer these few remarks at the beginning of the discussion and with the intention of making the bulk of my comments at the conclusion of the debate. The past five years has been a period of intense scrutiny of Ontario Hydro. The select committee's report on Ontario Hydro's 1976 bulk power rates is but the latest of a series of such examinations. Other recent studies include: the advisory committee on energy, Task Force Hydro, the Solandt commission, and the Ontario Energy Board rate review and system expansion hearings.

[3:00]

The work of the select committee without question has made a valuable additional contribution to that of the earlier studies. It car-

ried out an illuminating and constructive review of Hydro. In addition, of course, the royal commission on electric power planning has been holding hearings for some time now on the broader issues of Ontario Hydro's long-range planning programme and is involving all interested persons and groups in this major review. As I stated last week, the government accepts the tone and policy direction proposed by the select committee.

Of the 40 recommendations made by the select committee the government accepts 31 outright; others are accepted in principle with only differences in details of implementation.

Mr. Deputy Speaker: Can we have some order, please?

Hon. Mr. Timbrell: In most instances, in fact, we have already taken actions to put these proposals into effect. For instance, the select committee's recommendation III-22 reads as follows—that:

"Ontario Hydro change its planning process to emphasize meeting Ontario's electrical energy needs after implementation of conservation and load management programmes, with the minimum amount of new generation that is consistent with sound planning."

The government has accepted this recommendation and I have directed Ontario Hydro to take fully into account implementation of conservation and load management programmes in planning to meet Ontario's electrical energy needs.

Similarly in recommendation III-19, the select committee proposed that:

"Ontario Hydro develop a measure of the reliability of the generation system that includes all significant variables, and indicates with the highest possible degree of clarity and accuracy the frequency, duration and scale of probable outages."

The government agrees with this recommendation, and accordingly I have directed Ontario Hydro to continue its investigation of the value to the customer of different system reliability levels and to make an interim report to me within six months. The report should include an analysis of present and future reliability levels under the present generation station and transmission line construction schedule.

Mr. Sergeant: Mr. Speaker, on a point of order: Will the minister tell me what is the use of the whole exercise if he has the right to veto what he wants?

Mr. Deputy Speaker: That is not a point of order.

Mr. Sargent: It's a hell of a good point.

Mr. Deputy Speaker: The hon. Minister of Energy will resume.

Mr. Sargent: It's an exercise in futility.

Mr. Deputy Speaker: That is not a point of order.

Mr. Sargent: Nothing is going to happen.

Mr. Deputy Speaker: The hon. Minister of Energy may continue.

Hon. Mr. Timbrell: Thank you, Mr. Speaker. A third example relates to recommendation III-8, which proposes that:

"The Ontario government make available additional research funds for the development of energy-saving technology."

As the hon. members are aware, I recently tabled information on the government's new energy conservation initiatives which include several research and development projects for energy-saving technology including, for example, solar heating and wind power. These new initiatives represent a significant expansion of the scope of our energy management programme.

In addition, Ontario Hydro has significant research and development programmes of its own relating to energy-saving technology in such areas as heat pumps, more efficient transmission and distribution of electricity and more efficient insulation of buildings.

In 1975 Hydro allocated \$11 million on research alone and still more was spent on development. The complete list of responses by the government, together with the reasons underlying these responses, are set out in the report I tabled last Thursday. It is not my intention to repeat these details. I would like, however, to touch on a few highlights so as to put Ontario Hydro and electrical energy into an overall energy policy framework. This is particularly important with respect to Ontario Hydro's capability to meet the future demand for electricity.

When I met with the select committee just prior to the Ministers of Energy conference last February I stated that:

"Canada's energy future, given present patterns about price, energy availability and diminishing tolerance to energy producing facilities, is serious. It is serious yet still manageable. There is no doubt that as Canadians we have some immediate and perhaps painful decisions to make. We can no longer afford to have it both ways. We can no longer expect to keep energy available on demand and with unfailing reliability in everlasting

quantities and yet at the same time expect that the physical plants, whether refineries, natural gas fields, electric generating stations, transmission lines or whatever, will somehow be unnecessary. We can no longer realistically expect energy to be cheap.

"That may not be an easy message to deliver. However, as you know, we in Ontario must depend on receiving 80 per cent of our energy needs from outside of this province. And, as you are aware, some of those jurisdictions are demanding higher and higher prices for their energy resources. Even when we do have some control on the supply of a particular energy source, as with electricity, we are finding that there are other factors which dictate whether we can realistically deliver all of the energy we estimate may be needed at the price we have become accustomed to paying.

"One such factor—and one which is becoming increasingly important—is the availability and the price of capital to finance the building of facilities. Energy policy-making is becoming more complex and more subject to uncertainty. However, if I were to describe our policy objectives in one sentence I should say we are endeavouring to balance competing and conflicting objectives, wants and desires, in order to ensure that the people of Ontario have access to a variety of energy alternatives at as low a price as possible, keeping in mind our position with other jurisdictions.

"As energy prices increase and become a more visible and significant component of our personal and business budgets we have not only to look at the actual cost of energy, but to become more conscious of the relative costs vis-à-vis other provinces and countries.

"Ontario has an important role to play in the Canadian energy scene. We are by far the largest consuming province in Canada. But as I have mentioned, we are especially vulnerable to decisions made by others, particularly by governments over which we have no control.

"In the past year we have taken a number of important initiatives designed to protect Ontario consumers and the competitiveness of our industry. These are and will continue to be the objectives of paramount importance."

Mr. Speaker, these remarks, which I made last February, clearly are very relevant to this afternoon's debate.

Ontario Hydro has played a key role in the economic and social development of this province. The founding of Hydro in 1906 brought a new service of energy for the

commerce and industry of the province and lit up the homes and streets of our municipalities. The rural electrification programme in the 1930s was a giant step forward for the farmers of Ontario, which provided them with power to modernize their farms and to live in comfort. In the late 1940s the key decision was made to standardize the system frequency at 60 cycles, and this programme set the stage for the postwar growth and development of our provincial economy.

Ontario Hydro's future role in our province is no less crucial than its past role. Clearly we must be cognizant of the total energy scene within which electricity plays its role in Ontario life. Clearly, too, we should not concentrate solely on the expansion of the supply of energy. We must also limit our demands.

There is no question that we must take every appropriate measure to reduce wasteful demand for electricity, as with other forms of energy. The select committee came to that conclusion and the government concurs with its assessment. Starting in the fall of 1973, the government, including Ontario Hydro, has initiated numerous programmes to conserve energy. These programmes will be expanded significantly. Energy conservation must become part of our way of life. Conservation is essential if we are to cope with rapidly rising costs for those non-renewable resources which are required to manufacture electricity—coal, crude oil, natural gas and uranium. It is essential if we are to cope with the rapidly rising construction costs and limited financial resources, all of which undermine Hydro's ability to keep electricity rates at reasonable levels.

Conservation, however, can only reduce the growth in demand. It cannot entirely eliminate such growth, unless electricity is rationed or its use is otherwise forceably restrained. The government has rejected that course as a matter of policy, except, of course in times of crisis.

Contrary to the expectations of some, neither the total consumption of energy nor peak demand has decreased in 1976. In fact, primary electricity consumption, that is, total energy generated, is forecast to be up 6.8 per cent over 1975. Actual primary energy consumption and peak demand in September of this year were both up more than 10 per cent from the equivalent figures in September, 1975.

Conservation will help to reduce future increases in consumption and peak demand. But nonetheless we can expect Ontario to

require more electrical energy each year, barring major crises.

One of the crucial issues, therefore, with which the government has dealt over this summer in its review of the select committee's recommendations is: How much reduction and growth of electricity demand can be achieved, over what period of time, and how can this reduction be effected in a publicly-acceptable manner? A further and perhaps overriding question which the government asked is: How much risk should the consumer be asked to accept? Or, to put it another way, how likely it is that the consumer will be unable to get the electricity he or she will need in the future and how much less expensive will electricity be as a result of the additional risk assumed? I think the select committee clearly established that Hydro rates cannot be reduced appreciably even though considerable extra risk is assumed by the consumer.

I should emphasize there is no conflict between the government's objectives and the select committee's recommendations. Only our appreciations of the level and the speed with which the growth and demand for electricity might realistically be reduced differ. Specifically, I refer to the prospects for further cutting back on generating capacity expansion on the basis of an assumed value for interconnections with other utilities and on the basis of reductions in peak demands through load management.

Over the summer, Ontario Hydro again has contacted the electrical utilities in other jurisdictions surrounding us to determine the potential for surplus power and to obtain information on which to base a reasonable value for interconnections. The picture with respect to the availability of surplus power is not promising. In fact, power which Hydro has purchased in the past from jurisdictions such as Quebec will not be available once the present contracts terminate in 1977.

Similarly, the committee's recommendation III-18, to reduce peak demand by a targeted amount of one per cent per annum to 1985, on examination is considered to be too ambitious given the legislative, technological and other changes which would need to be put in place first before any significant impact can be made. A case in point is the potential which exists to affect the peak load by reducing the demand for residential water heating. Here, the simple fact is that only 18 of the 353 electrical utilities in Ontario now practise this kind of load management. Time would be necessary in order to gear

up those other utilities where savings could be effected.

Given this and the considerable doubt which exists as to whether a one per cent per annum reduction in peak demand is even realistic the government has decided that while it accepts the principle it cannot at this time accept the target. Nonetheless, the Ministry of Energy will quantify the potential for reducing the peak demand on the electrical system through load management.

I will report to the Legislature on the specific demand targets which are to be met by Ontario Hydro for each year over the next 10 years and the legislative changes and otherwise which must be made to permit a workable load management programme. I expect to make that interim report in two months.

I would hope that there is no misunderstanding. Since July, 1975, Ontario Hydro has reduced its construction programme over the period from now until 1985 by \$6.5 billion. It has meant a reduction in its system expansion rate from the historic growth rate of seven per cent to six per cent per annum. This represents a delay of 1,000 megawatts of installed capacity in 1979 and more each year thereafter. It means that 5,700 megawatts which would have been available to meet consumer demand in 1985 will not be available at that time. That is almost three Pickering's.

In order to accommodate this loss of capacity, Ontario Hydro will have to operate with lower reserve margins thus increasing the risk to the consumer. There is a limit to how much risk the government feels the consumer should bear, especially when he or she will not benefit from appreciably lower rates by further cuts in generating capacity. In view of this, the government believes the most prudent course is to direct Ontario Hydro to continue with its revised system expansion plan adopted earlier this year which would increase generating capacity at an average annual rate of six per cent.

In summary then, the government agrees with the tone and the direction of the select committee's report. Because events and subsequent analysis have tended to overtake some of the recommendations, a resolution calling for the modification of certain recommendations has been made, dealing with bulk metering, recommendation III-7; the establishment of a revolving capital pool for industry, recommendation III-11; peak reduction targets, which is recommendation III-18; reduction in generating capacity, recommendation III-23; a new generation

plan, recommendation III-24; James Bay development, III-27; examination of the nuclear commitment, III-28; the monitoring select committee, III-29; and water power rentals, III-43.

[3:15]

I might say that by way of the assistance of staff of the former select committee, the three parties have agreed on amendments to recommendations III-23, III-24, III-28 and III-29, which I will table with the Clerk of the House. In the circumstances, I believe these to be responsible and appropriate modifications to the select committee's report and trust that the hon. members will agree to the adoption of this resolution as amended.

Mr. Peterson: On a point of order, Mr. Speaker, is the minister going to read those in at this time?

Hon. Mr. Timbrell: No, I hadn't intended to. The representatives of the other two parties are familiar with them as we discussed them earlier on.

Mr. Peterson: At what point will they go in the record, just for my own edification?

Hon. Mr. Timbrell: Correct me if I am wrong, I believe the fact that I have tabled them puts them into the record.

Mr. Peterson: I am sorry, Mr. Speaker, could you give us a ruling on this?

Mr. Deputy Speaker: It has been suggested that the Clerk can read them at the table if you wish.

Mr. Peterson: Thank you, Mr. Speaker.

Clerk of the House: Mr. Timbrell moves:

"(i) That, concurrent with Hydro's load management programme and the establishing of specific peak demand reduction targets for each of the next 10 years, Hydro develop a new generation plan which would reduce its planned growth.

"(ii) The Ontario government appoint a select committee as the appropriate public forum to examine Hydro's nuclear commitment not later than the fall of 1977.

"(iii) That the government commits itself to the appointment of a monitoring select committee to commence work not later than the fall of 1977."

Mr. Peterson: I am sorry, Mr. Speaker, maybe I have the wrong understanding. Was there a figure given to the planned growth?

Was that not part of the agreement? Perhaps I am misinformed.

Ms. Gigantes: Under load management?

Mr. Deputy Speaker: The hon. minister can clarify that, if he wishes.

Hon. Mr. Timbrell: The amendments as tabled and just read into the record of the House are as discussed among the hon. member for Carleton East (Ms. Gigantes), the hon. member for Halton-Burlington (Mr. Reed) and myself. It did not include a specific figure, no.

Ms. Gigantes: The reading of the minister's new motions obviously changes the context in which this debate is occurring. I think what we have seen in his motions is an acceptance more of the spirit of the select committee's work than we had seen in his initial response tabled last Thursday with the House.

I will speak to the main points which are contained in the minister's motions today, because I think they represent the very essence of the recommendations and the spirit of the recommendations of the select committee's work. We have already had two mini-debates which touched on the subject of the recommendations of the select committee on Hydro established last fall by this Legislature. The report was tabled in June and was accompanied by brief comments from the opposition and government.

Just last week we debated the proposed Hydro rates for 1977. Despite his glowing words of praise for the work of the committee, despite his claim to welcome the recommendations of the committee and despite the initiative he has undertaken in response to those recommendations, despite all these things the minister still does not seem to grasp the spirit of the report produced by the select committee. I say that, even in the light of the motions which we see from him today.

In the months since the report was tabled, the minister has had a period of time, several months, to consider the details of the committee's work. He has had time to reflect on the import of the broad scope of the conclusions reached by the select committee. His considered response was tabled in the Legislature five days ago.

While it is heartening to see how much of our work has already been accepted, and indeed today he accepts more of the import of our work, I had and I have some real concern about the way in which some im-

portant elements in our recommendations were neglected or rejected by the minister and still seem to be given grudging acceptance.

As a background to the points I'd like to make, I would like to refer to chapter III, section 4, of the report of the select committee. It is the section of the report about which all the members of the committee felt very strongly. It is entitled "Ensuring Adequate Follow-up." I quote from the first two paragraphs:

"It is essential that these recommendations be seen not in isolation but as integral parts of the whole new direction. The report must be viewed in its entirety, as the new direction is a substantial redirection for both Ontario Hydro and the government.

"The new direction will also require a substantial change to the government's approach to energy. The traditional arm's-length approach to Ontario Hydro is changed by the joint commitment to conservation and load management objectives. A more vigorous government role in electric energy is set out—from increasing the extent of industrial electricity generation to working towards energy efficiency standards for appliances. And there will be a new urgency to articulate an overall energy policy for the province.

"The committee expects that the government, in formulating its energy policy, will follow the committee's lead in taking immediate action before flexibility is lost, to build an economy that deals more realistically with the wise and efficient use of our energy resources."

I want to stress and re-stress the importance of those paragraphs. Anyone who has the patience to read back through the volumes of transcripts of the proceedings of our committee will come time and again to prolonged discussions that we had about how we could, to the best of our ability, bring about a change in the fundamental attitudes of Ontario Hydro and the government which oversees our gigantic public energy corporation.

I think I can speak for all members of the committee, Mr. Speaker, when I say to you that we were preoccupied with the need for a new understanding and a new policy on Ontario's energy future. That preoccupation was a direct reflection of our conviction that Ontario will not have an easy energy future, even if we adopt the best of policies. We came, on the committee, to the awful comprehension that our province will be vulnerable and must be wise.

I need not remind you, Mr. Speaker, of the makeup of the select committee. We came from all the parties represented here in this House. We were senior members of the Legislature and very junior members. We were lawyers, teachers, businessmen, farmers, actors, firemen and politicians. Politicians above all. And we agreed unanimously on every phrase of the report.

Let me refer you at this point, Mr. Speaker, to pages two and three of the minister's response to our report tabled last Thursday. He says: "The select committee is but one of a series of examinations of the electric power planning system generally"—he repeated those words today—"and of Ontario Hydro specifically, initiated by the government in the past few years on various aspects of Hydro's operations and its relationship to the government."

He goes on to list six bodies which were commissioned to examine Hydro since 1970—everything from the Ontario Advisory Committee on Energy through to the current royal commission on electric power planning, the Porter commission. He sees the select committee as "but one of" those.

Mr. Speaker, I insist that the work of the select committee was not "but one of" a series of examinations of Ontario Hydro. It was absolutely without parallel in modern Hydro history. It was a political examination of our public energy corporation by members of all political parties represented in this House, and it came to unanimous conclusions about the letter and the spirit of what we called a new public policy direction for Ontario Hydro.

I stress this point, because I think it was the missing link in the minister's understanding in his initial response, and indeed in his response today, to the approach that we have developed in our report. Our report was done by politicians, people who seek public office and are paid to represent the needs and guard the future of the residents of this province. We were not experts on power planning systems. We were not familiar with the engineering or the physics or chemistry of power generation. We weren't trained as systems analysts. We were not economists. We knew little about the mysteries of Wall Street. We were politicians. We were helped by three excellent staff people, and we learned enough to make us fully aware of how little we knew and how very important questions have not been asked or answered about Hydro in the period from 1970 to 1976, the period the minister refers to.

We politicians were being paid to find the questions which experts and government appointees will not find. We were being paid to find those questions and to lay out the way to some answers, and we did—and we agreed on every question and on every direction embodied in the report.

The Minister of Energy has seen and will see many reports on Hydro, but none have been of this nature. I hope that the minister will come to understand the difference between reports which are produced by appointed experts or appointed non-experts and reports which are produced by politicians. Let me illustrate what I mean by mentioning a few specific points in the minister's response to our report which trouble me.

Let's look first at Hydro's plans to expand generation in the next 10 years. Hydro is now offering delays in expansion on some plants and cancellations. Bruce C will be cancelled, Bruce D, Wesleyville and Darlington postponed two years, and six other projects will be postponed one year.

The committee recommended, as recommendation III-23, that Hydro further reduce its plans for generation expansion in the next 10 years. On page 11 of his response, the minister rejected this recommendation and as usual he employed the old threats, the old "brownmail"—blackouts, brownouts and what he calls "allocation of electricity," which is an interesting new refinement on the same theme. He pointed out what the committee already knew and had reported to him, that according to current Hydro estimates the deferral of Bruce B or Darlington would be unlikely to decrease the charges to Hydro's customers in the next 10 years.

What he failed to acknowledge, and what he fails to acknowledge today, is our judgement that though the deferrals would not be likely to reduce rates significantly in the next 10 years, they would produce savings of three-quarters of a billion dollars to Hydro in those 10 years and would have an impact on rates to customers between 1985 and 1990, an impact which we must plan to create. That's our responsibility.

Let me turn to another response by the minister which concerned me. Recommendation III-18 of our report called for Ontario Hydro to "adopt immediately a programme specifically aimed at reducing peak demand by a target amount of one per cent per annum per year."

This is a very important recommendation, because it's a recommendation which is in addition to our outline of the necessity for

general conservation. We noted, as a prelude to our recommendation, that we recognized that peak load management requires careful planning and a flexible approach, that it has been employed in other countries with proven success, and that, given Hydro's current position of excess generating capacity, it offers no problems to Ontario in the early years of experimentation.

We also noted that we were setting the one per cent target because this target would be—and this, Mr. Speaker, is a very temperate expression of opinion—"an effective way of providing a focus and incentive for immediate action."

We set the target because we thought this target might be achievable. We thought that Hydro could, if it would, probably set out a programme which would give a cumulative saving of 10 per cent of peak load within the next 10 years. We're now told by the minister that he will bring us a report in two months on this subject. I hope it will meet some of the standards that we set. We set the target because we thought Hydro would not feel the necessity of trying out a serious programme of peak load management unless it was committed to a 10-year target.

Let me quote from the minister's response, from page nine of his reply to our recommendation: "While load management is accepted in principle the specific target proposed by the select committee is too ambitious, given the technological and other difficulties inherent in its achievement."

What we were recommending in our target amounts to a cut in increased demand of about 2,500 megawatts by 1985, the equivalent of a Pickering unit.

It's a very serious recommendation and we considered it with great seriousness. We decided that it does not mean that Ontario factory workers will have to work from 7 p.m. to 7 a.m. and Ontario women will have to use their clothes dryers on the midnight shift, though this is the scenario that the Treasurer has been bull-horning in anxious public ears.

We decided that Hydro needs a target now. The Minister of Energy decided that we can afford to wait and we have to wait now another two months. The Minister of Energy didn't share our sense of urgency; he didn't share our understanding of how slowly a giant institution reacts to need for change. Let me quote once again from our recommendations, page III-21. We say, "With Hydro's approach, the risk is that too little will be done too late."

[3:30]

When we approved that statement in our report we had full recognition of what we were saying. We have that fear.

I will cite another example of the gap between the minister and the committee. Our committee heard expert testimony, the best of expert testimony, on the subject of conservation and space heating. I should point out that the greatest increase in demand for electrical energy in this province is coming and has come for the past few years from the commercial sector. The commercial sector includes such sources of demand as schools, hospitals, shopping malls, car sales outfits, apartment towers and highrise hotels. That's where the demand on our Ontario electrical system is really zooming.

Our committee heard testimony from experts in space heating on this specific subject and we learned that commercial structures can now be designed so that they are almost completely energy self-sufficient. We weighed the evidence presented to us and we recommended the following: "The Ontario government establish energy efficient standards at an economically optimal level for all new commercial structures." That's not a tough recommendation.

We knew it was quite economic for new commercial structures to meet these standards. All that we would require is that large government and business structures do not continue unnecessarily to gobble up our future supply of electricity. This is the response we got, and I quote from page six of the minister's reply, which he labels "accepted."

"In February, 1976, the Minister of Government Services (Mrs. Scrivener) announced that new provincial government buildings with more than 70,000 square feet of floor space must meet energy efficient standards. The Ministry of Energy, with the support of other ministries participating in the energy management programme, has initiated a study entitled Energy Budget for Commercial and Institutional Buildings. The purpose of the study is to establish reasonable norms of energy requirements for both existing and proposed buildings"—listen to this—"which may eventually be published through the Ontario Building Code as guidelines for annual energy use in buildings."

Mr. Speaker, I ask you—where is the Minister of Government Services planning to build that we haven't heard about? Why is the minister talking about "may eventually be published" when the technology is here? I must underline the point because this was a recommendation which the minister said he accepted.

Let me turn from a point which the minister said he accepted to one which he says he accepts in modified form. I refer to our recommendation III-28, which says, "The Ontario government appoint a select committee as the appropriate public forum to examine Hydro's nuclear commitment."

This was a serious recommendation. It was made not by experts, not by appointees, but by politicians who had informed themselves enough to become seriously concerned about the future of people who live in this province and will have to live with the results of Hydro's current plans for expansion of nuclear generation of electricity. We had informed ourselves enough to know that we were not well enough informed to make a judgement.

We were also very tired by the months of hearings and none of us was at all eager to take on more hearings of the same burden, either then or in the near future. We had been appointed, after all, to solve the problem of the 25 per cent increase in Hydro rates for 1976. We had done much more than that and we had worked through to June, 1976.

For what? Only to feel the irritation of the public and our own colleagues in each party that we had "allowed" Hydro to increase its rates by 22 per cent in 1976. And that we had insisted that Hydro publish its predictions of rates for 1977, 1978 and 1979 for which we are now also taking the blame.

I say this not because we expected more sympathy than we got but precisely because we knew, as politicians, how little sympathy we would get but thought it our duty. We knew how unappealing another select committee would look to us and our critics, and we knew we didn't want to have to participate in another select committee of this kind. In spite of all this, we came to the considered, reluctant conclusion that we must recommend another select committee to examine Hydro's nuclear commitment. I will not attempt to put the reasons for our concern at this time about that nuclear commitment. I will refer to chapter III of our report and the detailed discussion of this question in many sections of the transcript of the hearings of the select committee. Let me simply quote from the minister's response to our recommendation, his initial response of select committee review. On page 14; it is a reply:

"Accepted in Modified Form," is the headline. "The principle of a review of Ontario's commitment to nuclear power is accepted. Indeed, this was initiated with the appointment of a royal commission on electric power planning. The chairman of the royal commission, Dr. Arthur Porter, has recently announced a programme for a review of the part nuclear

power should play in Ontario's system. This programme is extensive and will involve the public and all interested groups. In view of the royal commission's activities a select committee would be an unnecessary duplication and expense."

I am relatively new to politics, but I was not alone in my judgement that the forum for a thorough examination of our nuclear commitment should be a forum of politicians, a select committee. When we made our judgement, we knew of the existence of the Porter royal commission. Dr. Porter himself had been before us to tell us how Ontario would participate in the future of Hydro from 1985 to 1995. But we were, and still are, politicians and we know the difference between expertise and common sense. We know the power that information carries and we know how ill-equipped the ordinary person in Ontario is, if he or she wants to question Hydro on common-sense grounds, to question Hydro as non-experts.

I have come to feel very strongly about the efficacy of appointed bodies: They are useful when everything is going right; they are an impediment when things get sticky—everything from the boards of health in Ontario to the board of Ontario Hydro. They are appointed, their mandate is to manage, and they are not chosen or paid to do more than manage.

A royal commission is different. A royal commission has a wider mandate. A royal commission is usually set up by a government which does not want to get a message right now; maybe a few years from now, maybe never.

In Canada, we've had some superb royal commissions. But these royal commissions concern subjects on which ordinary people could give testimony from their own personal experiences on health, on taxation, labour disputes, and similar questions. But few ordinary, non-experts in Ontario can relate their personal knowledge to a royal commission on nuclear power planning.

The Porter royal commission is another in the series of appointed bodies which reviews expert testimony. Some of the members of the Porter commission are experts themselves in this field. This is not good enough, and we know it is not good enough. From Sweden and the United States we are learning that nuclear power planning and the choices it involves must ultimately involve political decisions. Politicians must inform themselves, declare themselves and provide leadership on the question of nuclear power.

If war is too important to be left to the generals, nuclear power planning is too im-

portant to be left to the engineers. Too much is at stake for us to leave the question about nuclear power planning to the experts. As responsible politicians we must face up to our responsibilities and make our decisions before the options are closed off by experts.

I have attempted to give specific examples of what I feel is a general attitude on the part of the minister toward Ontario Hydro. His attitude has differed substantially from the approach which was developed in the report of the select committee. I will remain apprehensive about his attitude until the government proves by its action that it accepts a duty to guide our gigantic public electrical energy corporation in new ways.

If we are ever going to regain public control of Ontario Hydro the time is now. We may never have another chance. I hope the minister will come to understand more fully the gravity with which the select committee approached its work and I hope he will also come to understand more fully the sense of urgency with which we outlined a new public policy direction for Ontario Hydro.

There is much that is new and promising in the minister's response. As we see today, the minister's response is modified daily. Today we get more modification in his response to our report. I hope for more. There is much that is new and promising—

Hon. Mr. Kerr: You are getting to him, Evelyn, you are getting to him. Sounds pretty suspicious to me.

Mr. Moffatt: Even though he isn't here, he is listening.

Ms. Gigantes: There is much that is still old and hesitant in his response. I hope his views will continue to change, and I hope they'll change quickly enough that we still have time to change Ontario Hydro.

Mr. Reed: Mr. Speaker, to rise and endorse the report of the select committee of Ontario Hydro gives me the opportunity to say to this House that the functioning of this select committee and the result of its work is an example of the better things minority government has to offer. If all of our deliberations rose to the level attained by this committee, and if the results were as fruitful, we would have good government indeed. I think it is obvious by the very nature of this report, its expansive deliberations and its pointed yet constructive recommendations, that we see the product of genuine dedication and a pooling of talent that is indeed rare.

The adoption of this report and, more importantly, the application of this report, will result in constructive change in the operation of Ontario Hydro which will allow it to evolve creatively and effectively and to provide a standard of service to the people of Ontario unparalleled in North America.

Hindsight is always better than foresight, and those of us who have studied the report in detail, and indeed have been part of its creation, cannot help but wonder why the questions that are asked, deliberated on and hopefully answered in this report were not considered 15 or 20 years ago when Ontario Hydro made the necessary decision to enter the age of thermal generation in this province. It is indeed this transition that has been the cause of so many of the problems that face Ontario Hydro today. One can speculate that if we had become serious about conservation, renewable energy development and renewable resource maintenance, if we had had the vision at that time to implement the load management techniques so necessary with thermal generation, it would be safe to say that the increases in rates that are upon us now would not have occurred on nearly the same scale. But then, as I have said, hindsight is always better than foresight.

We trust that this report will change the attitude in which electric power is generated, marketed and used. We hope it will teach us to give electric power a much higher value than we have in the past—not so much monetarily as in the terms of the grade of energy that is delivered. Ontario Hydro has been told in this report to broaden its concept of what it actually does. It has been told that with the employment of certain management techniques, it can even have a certain amount of control over the amount of electricity that is used and the degree of peaking. It has been told that it must not continue to consider itself the only creator of electric power in this province. It has been told that in terms of reserves, in terms of the value it must place on interconnections with other provinces and parts of the United States, and with its development of capital for future expansion, that the time has come to leave the luxuries behind and become practical and Spartan.

In paying tribute to my colleagues on that select committee—colleagues of all parties in this case—I want you to know, Mr. Speaker, that I was pleasantly surprised and encouraged by the fact that the politics of the occasion did not cause conflict often. And I must admit that at least once, I was the perpetrator of that political injection into the

select committee. If there was an absence or blank spot in this report—an area of omission, if you like—it was the in-depth consideration of the fact that Ontario Hydro's size and the magnitude of its movements as it has grown have made it difficult to avoid adversely affecting people. So I became Peck's bad boy in order to point out to the select committee how I felt about that effect that Ontario Hydro has on people. The medium I used was the Bradley-Georgetown corridor, one of the interconnecting links of a large expansion programme. That, because of the implementation of this report I may say, may yet prove to be redundant in the overall scheme of electric generation in this province.

[3:45]

The select committee ruled that the issue was not central to the terms of reference to the committee's work and that was so stated in the select committee report. Because of its omission, of course, there are a few of us—some of us on the committee and some who are not—who must continue the fight to make Ontario Hydro aware that it must change its methods of dealing with people or face resistance worse yet than the situation I have been so closely connected with.

There are some specific areas of the report that I would like to allude to. First is the recommendation that a forum be provided through the select committee process to hold a full scale debate on nuclear power. It is obvious that we are drawing to the time when we must make a decision not as to whether we will have nuclear power in Ontario but whether we will plan and work toward the second generation of nuclear plants, those which will be using recycled rods and burning plutonium.

I think every one of us realizes that because of decisions that were made 20 years ago or more we must face the reality of the nuclear system and play out its life cycle. It is the feeling of the select committee that this large scale commitment that will eventually herald the entry into the plutonium age should be a decision made after full scale public debate and not an after-the-fact discussion, as we are presently having.

I would urge the government to consider that this is one of the key recommendations for the long term. I was particularly distressed to see a section of the amendment of the minister which would relegate the nuclear debate to the royal commission on electric power planning and endorse and recognize that commission through the amendment.

Let me point out, first of all, that the royal commission has not yet finished its deliberations. The House could not, if it wanted to, endorse recommendations that do not yet exist. I would envisage the very important findings of the Porter commission as being a basic part of the input to the select committee that is recommended in our report, and I am pleased the minister has reconsidered his position on this matter.

Secondly, I would like to refer to those parts of the amendment put forward by the minister that would take away the challenge we gave to Ontario Hydro to continue to refine its projected needs for expansion and change its long range goals from six per cent per year imposed by the restraints of the Treasurer to the further reduction endorsed by this select committee. To this date, so far as we know, there has been no new evidence which would give any substance to the premise that the generating target must remain at six per cent. We currently enjoy a reserve margin over peak, that magic peak which occurs for a few hours every February, of over 35 per cent and upwards of 38 per cent.

We also recognize that there are certain aspects of the expansion programme which cannot be turned back without great economic loss. The select committee recognized this and as a result left it up to Hydro to choose the brightest economic path. The point is, though, if we don't set goals we will never achieve the desired results. We recognize that the end results of this effort toward load management are as yet unproven and must be established, but at the same time we will continue to endorse the objectives originally laid down by the select committee.

Thirdly, I would like to refer for a few moments to the proposal that would amend the select committee's intention to re-form in the spring of 1977 in order to monitor the progress that has been made by the government and Ontario Hydro on this subject. The government's amendment to the establishment of a select committee in the fall of 1977 rather than the spring points out that the spring of 1977 is perhaps too early for enough concrete change to have taken place to make the re-forming of the select committee worthwhile, and with that aspect, we do agree and will concede that the select committee should be re-formed in the fall of 1977 rather than the spring. However, we continue to hold the government to a commitment to that re-formation rather than to a "consideration of." The differentiation must be made distinct and clear.

There are certain recommendations in the report which show clearly that Hydro must utilize as many resources as are available within the borders of this province. With some we are favoured with a sophisticated and highly developed technology. I refer to the further development of hydraulic power in the province, especially those small on-site locations which can be developed on existing dam installations and sites in southern Ontario and can be run on a remote basis.

I urge Ontario Hydro to attack this economically feasible challenge immediately. As members know, the select committee also recommended that the hydraulic potential of the Albany River system and that area of northern Ontario be examined so that Ontario receives the maximum reasonable benefits. The government has accepted this proposal in a modified form, deleting any possible development of the Albany River area.

I wonder, at the present time, if that amendment to the original proposal was not made from a more political consideration than a practical one, considering the recent conflict over the development of natural resources in the north of Ontario. I wish to go on record as mentioning that I am sure there is no one on the select committee who is not deeply concerned and aware of the rights of native peoples in northern Ontario. That is precisely why the word "reasonable" was injected into that proposal.

We want to make it clear that not one of us would want to proceed with development in the north without first having consultation with and participation of the native peoples. I am sure members recognize that that concern has been made very clear in the recommendation of the select committee.

I would also like to ask why is the minister revising this recommendation since its intentions have already been stated? Does he truly feel that the amended recommendation is more fluent and expressive? I wonder.

I would like to deal with some areas on which we all have agreed but I think are worth stating, considering that their subject matter is new to Ontario Hydro and presents some of the area of broadening that the corporation will undergo in years to come. First is the whole area of that subject known as solar power which might be more adequately described as renewable resource utilization since it encompasses subject areas such as the production of energy from plant life and wind power as well as the direct utilization of the sun's rays.

I had the good fortune to spend a week this summer at the solar energy conference in Winnipeg which was attended by more than 2,000 delegates. We were presented with a picture of the potential of solar power—using it as the all-inclusive phrase—that would give us great reassurance for the future standard of living in Ontario if we will only undertake to develop and adapt it to our circumstances.

The United States has led the way. With a commitment of roughly 50 cents per person in that country they have unleashed a multitude of development projects which are already beginning to show great promise. The province of Ontario must not be allowed to take a back seat in these matters and a similar commitment on the part of this government would help to assure Ontario of its share of the industrial potential of the manufacture of solar products and the resulting energy in the future.

Can you imagine, Mr. Speaker, the positive impact on the economy of this province if 50 per cent of our imported energy was redirected to the utilization of renewable resources within the boundaries of this province? Can you imagine the impact on agriculture that would grow the products which make the energy? Can you imagine the impact on manufacturing, on the process of distillation and all of those other attendant bonuses in the economy? Can you imagine the effect on our provincial balance of payments?

We do have a long way to go in the development of renewable resources but the economic potential is tremendous. If we do not make this decision and begin now to move in that direction, we will once again be buying technology and hardware from our neighbours to the south. Let us proceed in this matter with imagination and vision.

I would like to refer as well to the recommendation regarding industrial generation of electric power. Industrial generation or, as it is more commonly known, co-generation, is one of the ways in which the thermal system can be made more efficient. As I have said often, and it is a well-known fact, two-thirds of the energy we put into a thermal generating plant at the present time is lost as waste heat. With co-generation, a great proportion of that waste heat can be utilized by industry as processed steam or in-plant heating. It is up to the government to encourage that development in every way possible. I am pleased to see that resolution in the select committee report.

The economics of co-generation are obvious and the efficiencies gained as a conservation

measure are obvious. The techniques, the technology, is not new, having been highly developed in Europe because of the thermal configuration which they have had to deal with for some generations. This thrust will provide one of the great alternatives to the vast expansion programme now contemplated and under way by Ontario Hydro.

As you can see, Mr. Speaker, it is the select committee approach involving more than the government party that has brought these issues out of stagnation. Minority government appears to have its effect, even on the Minister of Energy himself. A year ago I challenged the minister during estimates about his priorities and why a more concentrated commitment was not being given to the development of renewable resources. The minister simply denied the feasibility at that time. Last Thursday in the House the Minister of Energy announced increased concentration on the development of renewable resources.

Finally, in summary I should like to state my party's position on the select committee report. We feel that this report, being a combination of a combined party effort, is one of the most important documents addressing the problems of Ontario Hydro that has ever been put together.

Mr. Lane: I would like to take part in this debate this afternoon. I wasn't an original member of the committee, as I replaced the member for Parry Sound (Mr. Maeck), but I was a member of the committee during the early part of this year. We had a good committee, a very concerned committee, a great chairman and great members on the committee to work with and an excellent staff. I think we made some very good, sensible recommendations.

I think that the affluent society in which we have been living for the past few years has allowed many of us to waste too much, and one of the things we have wasted is energy. We are all guilty of using more heat, light and power in our homes and places of business than is required. Most of us drive our cars when we could perhaps stay at home or walk to work, thus saving some gasoline and energy. I think we should be concerned about these things. We should train ourselves and our families to save in as many ways as possible, especially on energy.

Ontario Hydro has made some cutbacks, as a result of the recommendations made by the select committee, but I doubt that it would be wise for them to continue to make further cutbacks. While I have said we all must save on power and energy, I don't think

the people of this province are ready to accept brownouts or blackouts because the capacity to generate power has not been developed.

For the past three or four years Ontario Hydro has been looking at a possible site for a power generating station that would be located on the north shore of Lake Huron. I am rather surprised that they are still talking and thinking about a site at La Cloche Island because this particular area is in the boundaries of the north Georgian Bay recreation area. Even though some people in my riding would like to see this type of development in that area, it doesn't make any sense to me at all. However, it does make a great deal of sense to me that this type of operation should and could be located at Spragge or Blind River where the jobs are really needed.

[4:00]

I think the power is going to be needed in the not-too-distant future. I would say that Hydro should get on with the job and should not be hampered by further studies. I understand the Porter commission will report on all of these things some way down the road and—

Mr. Foulds: Coal power or nuclear?

Mr. Lane: —I, for one, in the north, and I think many more people, think we're studied to death in the north. Let's get on with some development.

Mr. Renwick: Mr. Speaker, I just want to speak very briefly about the report of the select committee and the government's response to it with respect to Ontario Hydro and perhaps to echo some of the matters raised by my colleague, the member for Carleton East (Ms. Gigantes).

I think the concern and the uneasiness which we in this party felt about the government's response to the report, not only now but in its initial response after it was tabled in the Legislature earlier this year, was a sense of whether the government in fact was committed to the title of the report, whether in fact it was committed to "A New Public Policy Direction for Ontario Hydro."

I may say that the acceptance today of two modifications of the proposed amendments to the report, suggested by the government in its response, goes some way to relieve that sense that I have of a lack of positive commitment by the government to the purposes of the report. But I still have those misgivings. Perhaps they're now only reservations, but there's an element of mis-

giving about them and I want to spend a minute or two emphasizing what we believe we were trying to say in the report, leaving aside many of the specific recommendations which are dealt with in some detail in the report and have been stated to be acceptable to the government.

The very first recommendation that we made to the government was that "the Ontario government develop and clearly articulate government policy towards Ontario Hydro." Then, in the chapter of the report dealing with ensuring an adequate follow-up, we dealt with the consequences to Hydro of an acceptance of this new direction and the concern which we had that if this Legislature as a body, through a select committee of the assembly, did not have the opportunity to monitor and follow-up the implementation of the recommendations in the report by Hydro, that a good deal of the momentum would be lost; indeed, it would lead us to believe that the government itself was not prepared to accept the implications of the major recommendation, the very first recommendation, about the need for an acceptance by the government of responsibility for the policy of Ontario Hydro.

We said in that particular recommendation relating to the select committee, which we had hoped to be set up in the spring of 1977 but which the government now is committed to set up by the fall of 1977: "It is of fundamental importance that until the redirection becomes clearly established Hydro policy, steps taken by Ontario Hydro to implement the thrust of the report be monitored periodically in an organized manner." It was with that purpose in mind that we recommended the appointment of the select committee, which has been accepted by the government for appointment.

It was also designed to give the government, concurrently with that opportunity, the sense of responsibility for the policy of Ontario Hydro and to give to this assembly a clear and continuing statement of the policy that is to be adopted by the government for Ontario Hydro. In a very real sense we are saying that the time has come that the responsibility for Ontario Hydro's policy be that of the government and that the accountability be to this assembly through the kind of select committee which was envisaged in our report.

It is not too far an analogy to say that we are saying about Ontario Hydro what we say in the estimates, that the government must be responsible to the assembly, either by legis-

lation or in the estimates of the House, for the policies which are embodied in the estimates and in the budget and in the Speech from the Throne and in the legislative programme of the government. We are now saying that in addition to that, at this particular point in time in the history and development of Ontario and the demands of a sound energy policy, the government is responsible for that policy and that this assembly is the place to which the government must account for the implementation of that policy.

I am delighted that the government has seen fit to modify its position since last week and to accept the appointment of that select committee of the assembly.

I want to spend just one or two minutes on my concerns about the James Bay area. My concern about the James Bay area relates mainly to the developments which have taken place in commitments and feelings which I have had for some considerable time about that whole area of the province. I'm not engaged in beating anyone over the head about the questions of whether Reed Paper should or should not proceed, or what the relationship to that project should be.

I have been, over a period of time, more and more convinced that the northwestern part of the province of Ontario, the very watershed that we were talking about in this report with respect to the possible potential for electric power development, requires an overall look by the government to determine the course which we are going to take, and that that overall look would best be carried out through a commission similar to the Berger commission, to which reference has been made by the leader of this party. It is no longer possible to isolate one particular area of the north for one particular potential purpose, but the whole of the northwestern part of the province must be looked at as a whole and dealt with that way if we are going to understand the extent to which it is possible to carry out development in the north, with particular attention to the people who live in that part of the country and with particular attention to the very special relationship which this government must have with the Indians living in that area under Treaty No. 9, and to a lesser extent under Treaty No. 3.

In a sense, the overview or perspective from northwestern Ontario through, as we recommend and urge the government to accept, a Berger-type royal commission, which would look into the renegotiation of Treaty No. 9 to which this government is a party, to

which the province of Ontario is a party, an over-view of the possibilities of restoring the forest industry in northwestern Ontario and the way in which that industry is to be exploited in the future, is of paramount importance. Coupled with that, of course, is the necessity to look at the availability of hydro-electric power in the James Bay watershed. I do want to make certain that the assembly is aware of what we were talking about when we made the recommendation about the watershed, and I quote from the report:

"Finally, the committee is concerned about Ontario Hydro's apparent failure to give serious consideration to the hydro-electric potential of the watershed flowing into James Bay—both the systems in Ontario and those in Quebec.

"The committee is aware of the difficulties in getting electrical energy from either area. In northern Ontario, the concerns of the native people and environmental problems will have to be dealt with before any development can take place.

"This increases the urgency for starting studies and inquiries now. And, if Ontario is to gain any benefit from the Quebec Baie James potential, the government of Ontario will have to initiate negotiations with the government of Quebec. All the more reasons for setting out the parameters of an acceptable arrangement and doing preliminary calculations of the economics of such a venture.

"It is quite possible that the whole development of the James Bay watershed should be considered in the context of national energy policy, which would require the involvement of the government of Canada. The committee found Hydro's reluctance to give serious consideration to this potential frustrating and perplexing." And it was on that basis we made the recommendation that: "The Ontario government accept the responsibility now for taking all necessary actions to ensure that Ontario receive the maximum reasonable benefit from the hydro-electric potential of the James Bay watershed."

I'm saying to the government it is our perspective at the present time that that particular recommendation cannot be dealt with in isolation and we therefore have accepted—not necessarily the exact terminology of the government's proposal in its acceptance or in its response to our recommendation—but we have said that that is one of the ingredients which must be a part of an overall commission study of the Berger type in the whole of northwestern Ontario. It is for that reason, amongst the other reasons

which I have enunciated, that we stand by that policy and we urge the government to come to that conclusion itself as soon as possible and to deal with northwestern Ontario in that particular way.

The other amendment which the government accepted, or the other modification of its response which the government accepted, was to take into account that Ontario Hydro and the government had to be committed to a load management policy and that that commitment would, in a very real sense, be measured both by the alacrity with which the interim report, which is referred to in the government's response, will come before the assembly.

I would assume that that would be early in the next session of this parliament. It would be evidence that that commitment would also be sustained, for us if, as has apparently been accepted by the government, concurrent with the targets being set down for load management, that Ontario Hydro would be instructed concurrently with the achievement of those targets to so modify its generation plan that there would be no delay in implementing a plan which would give effect to the load management target.

With those modifications of the response of the government we are pleased to see that I believe the ministry and the government have now an understanding, at least to some extent, of the immense redirection by way of commitment that the select committee felt was entirely necessary if it were going to be possible to deal adequately with the responsibility of the assembly to the government to make certain that the government account properly to the people of Ontario for the overall energy policy of this province in which hydro-electric power or electric power from whatever its sources plays, and will play in the future, such a necessarily large part.

When we talk about the nuclear option and our anxiety when we heard from the government that it was not prepared to have a select committee of the assembly deal with the nuclear option, but rather wanted us to accept it as part of the Porter royal commission you can understand the reasons why we felt that way. It seemed to us to be an indispensable part of the political process at this time in Ontario that the question of nuclear option should be dealt with by elected representatives responsible to the people of the province for the commitment, if commitment there be, and the nature and extent of that commitment to the nuclear option in the province.

I am prepared, as anyone in the assembly is, that if that is the commitment that should be made so be it. If it is not the commitment that should be made and if there are other alternative methods by which the energy needs of this province can be met in a reasonable way with a smaller or much smaller nuclear component, well again, that is what we have to decide. But the very important fact that we must recognize is that that commitment is almost at the point where it is irreversible, that the combination of government enthusiasm and the enthusiasm by Hydro and of industry generally, has brought us to the point that there has not been a public examination of the nuclear option. There has been no real understanding by the people of the province of Ontario of what it means to be committed irreversibly to that particular option.

[4:15]

There are many ways in which that can be stated and I don't intend to try to state it in cosmic terms. I'm speaking only about the kind of nuclear commitment to which the province is presently committed and which must be examined in all of its aspects in order to make certain whether or not we should embark irreversibly on that commitment and on that role.

It is for that reason that we believe the cultural, social, long-term, long-range impacts of the nuclear option have now to be examined with the full objective recognition that it may well be that, if it is possible to do so, we discard the nuclear option and rely on alternative sources of energy. All of those things can only come out if we have an objective look at that problem through a select committee of the assembly which is not engaged in justifying the Candu nuclear reactor as against other types of reactors in the world; not engaged in playing down whatever accident may happen within the nuclear establishment already in the province of Ontario; and not engaged in leaving to the scientific community only the dread effects of radiation on the people who may come in contact with radioactive material produced in this province.

It must be so objectively looked at that if the conclusions make sense and we can come to a decision about our commitment to the nuclear option in a reasonable and intelligent way we will do so. But we must have the courage and the skill and the ability to reject that option if it is not a feasible one in the long term, having regard to the environment in which we live; the long-term needs of the

people who will come after us in this province; and the need to protect the health and well-being of the people in Ontario at the present time. All of those matters can only be looked at within the framework of a select committee of the assembly composed of persons who are representative of people in the province by election; who are responsible to people in the province through that election; and who are answerable through the democratic process.

I have respect for Dr. Porter and I have respect for the work which that commission is trying to do, but any other alternative would have been totally unacceptable to this party. I'm delighted that the government has seen fit to modify its attitude so far as that is concerned.

I may say that one of the sensitive areas or communities in the whole of the nuclear option has been Sweden which has been very much in the news, particularly during the last election because the present Prime Minister of Sweden highlighted his concern as part of the election campaign at that time. The reason it was highlighted in that election campaign was not because somebody suddenly picked it out of the air as an issue which was going to be discussed but because in 1974 in Sweden there was a tremendous upsurge of public concern about their commitment to the nuclear option.

As a result of that concern, as I understand it, and I believe it to be true, some 6,000 groups in Sweden were funded through the government and given the capacity and the opportunity to become publicly involved in the debate which was going on about the nuclear option. Where it stands at the present time, all I know is that I have heard that the new government in Sweden is committed to a national referendum in 1978 on the nuclear option. For us, in Canada, we are not used to the national referendum.

In a country such as Sweden which, since 1974, has been concerned and deeply concerned about that nuclear option and has gone through a process of public education and public involvement about it, then one can well imagine that it is possible in 1978 for them to put, by way of national referendum, the whole question of whether or not there should be any continuance of nuclear activity within Sweden.

Somehow or other, the select committee of this assembly on the nuclear option, which will be appointed not later than the fall of next year to commence its work in that field, should be involved in the same kind of extensive public education and public involve-

ment activity so that when the time comes we in this assembly can determine, perhaps for the first time in the life of the province of Ontario, that there should be a provincial referendum on the whole question of whether the commitment should continue to the nuclear option or whether it should be ceased and stopped entirely.

I know that in this day and age it sounds almost impossible to suggest that we will reverse the present commitment by the government, by industry and by Ontario Hydro to the nuclear option, but I say to the assembly that unless the select committee envisages that kind of option available to it that it will reverse the nuclear option and look at the problem objectively with the aid of whatever scientific information is available, but recognizing that it is an indispensable part of the political process that the economic, cultural, environmental and historical results of that overview of the nuclear option must be taken, then I say that select committee will not be doing the job as I envisage it, because I would like to understand that at the end of the work of that committee it won't say, "Well, we have no other alternative but to go on with the nuclear option." That committee should be in a position where, if it has to say there shall be no more nuclear development in the province of Ontario and we will dismantle what has taken place, that option has to be clearly available to that committee. I seriously hope and anticipate that whoever are members of that committee will recognize the importance which we in this party assign to that particular work.

With those remarks, I am pleased with the extent of the commitment. I hope that the minister, in his response to this debate today, will underline and reinforce and remove forever any reservations or misgivings I might have about the commitment of the government of the province of Ontario to this redirection of policy, and the articulation and enunciation of that policy by the government, in order that we in this assembly can share our role of being certain that the accountability for energy policy resides in the government and that they must be accountable to this assembly for that policy.

Mr. Peterson: Mr. Speaker, I would like to speak very briefly on this, if I may. I must say that this is one of the happiest days that I have had in this House in the sense that I think that we are seeing for the first time, in my view at least, some real appreciation and understanding of the Hydro picture and, in a broader sense, of the energy picture.

I don't understand the reasons why—and I guess at this point it's irrelevant why the minister has changed his position from last week—but all I can do is applaud him for changing his position. I think it's a good thing and I personally feel very good about the fact that he has done that.

I don't think it's the kind of day that we need harsh criticism. I think it's the kind of day that we all have to rise up and support the kind of commitment, at least as it is on paper, and I will be anxious also to hear the minister's response and what kind of serious commitment he has to this situation.

I think it's interesting, however, to note the lack of trust that his entire House—not just on this side of the House but all the members of that committee—had in the Ministry of Energy. This was manifested in a very serious recommendation in this report that a select committee should be set up to monitor the progress of Hydro and of the Ministry of Energy. This was clearly part of this report, and it says to me very clearly that because there wasn't the trust, we weren't prepared to let that very serious series of options and suggestions be left solely with the Minister of Energy.

But you know all of that is behind us—I hope it is behind us—and I hope there will be no problem in the future, regardless if there is an election or not or whatever the outcome of that election is. I hope very desperately, for the sake of this province, that the minister, the Premier and the cabinet will carry forward with these very solid series of recommendations. As one who has been most critical of Hydro and of the minister, and the entire government on this issue, I think it is cause for great hope today. I am not as cynical as some of my friends to the right: I think there is real cause for celebration today.

Mr. Bain: Is your leader cynical?

Mr. Peterson: In many respects it underlines a view that I have had about the Ministry of Energy. I think it has been treated far too long as a junior ministry. I think it is time that ministry was brought up front into a very important position with a lot of clout in the cabinet, so that it can have its impact felt on all of the decisions that the government makes, because there are very few things that government has power over today that are more powerful and gives as wide an influence as the whole matter of energy. That person, or that group, or that government that controls energy policy today can control in many respects, the destiny of this province and of this country.

I don't think there has been enough appreciation of that. I don't think there is enough attention paid to how serious and powerful a device it is in government's hands to control all sorts of things—human settlements, population growth, the whole land-use question and all the other issues that are attendant with it. Because it has such an impact on our rate of inflation, on our entire economy, it has to be integrated, it has to be a powerful part of virtually any policy articulated by the government.

I say to you respectfully, it has been treated as a junior ministry, and it shouldn't be. The Minister of Energy should be right up front, he should have a say in all of the important policies that are brought down by any government.

As I said, I don't want to be terribly critical because I am happy about the result of it. I am happy that finally, after all this time, it has come along that the minister is going to apply his mind to the report. The only thing that bothers me is that it didn't happen a little faster.

As you recall, last week in this House we debated Hydro rates for next year. There are many of these suggestions, that if implemented several years ago—and this report should have been done several years ago by an all-party legislative political committee as opposed to a technical one—it would have had a very serious impact on the rates that we are paying today, and indeed the nature and the quality of the electrical service that we have in this province today. It is long overdue. But then again, I am trying to be positive and I think we should be grateful for the small mercies that have been afforded us on this particular day. I regret it has been so long, and I regret, in some respects, the way it has had to come about.

I just want to draw attention to one thing. It is the first, and probably the most important recommendation of this entire report which has been bought wholesale by the government. That recommendation is that this government requires a policy toward Hydro, which I think the majority of the members of that committee would say, in fact, they have not had—Hydro has run virtually on its own. They have been the authors, virtually the authors of all of the policies and all of the plans, running in many respects outside of government. That can no longer be. The times have changed, the mandate has got to change. Government clearly has to spell out what it requires from Hydro and Hydro has

to respond to that without any ifs, ands or buts.

You know, Professor Nelles in his book wrote about Hydro and the history of Hydro saying that Hydro is in and out of politics as it suited the disposition and the present politics of the situation, as it suited the management of Hydro and the government of the day. I would respectfully submit to you, Mr. Speaker, that this can no longer be the case. We clearly have to recognize that Hydro is government controlled, is responsible to the government and to this Legislature, and clearly the policy has to rest here. Government either has to stand or fall on the responsibility that it brings to the management of that great huge organization which has in many respect the worst of non-regulated industry, and the worst of free enterprise. It is too big; it is too important; it is too big an employer and has too big an effect on everyone's life in this province to let it ever again drift in the sea as it has been drifting.

[4:30]

In conclusion, let me say I'm happy it has happened. I'm happy with the capitulation of the minister. I too want to be convinced of his sincerity in implementing this. He will be a better minister and it will be a better government if they do start conscientiously today implementing this very fine series of proposals.

Mr. Drea: As a preamble to about three specific points in this report which I would like to discuss, I think it extremely significant that the practice we are following today sets a precedent concerning the reports of legislative committee, particularly those of select committees. Until this report, those who worked on select committees and who were part of them found out the results of their efforts, frankly, by reading the newspapers and finding out if, as and when government was prepared to adopt any, a substantial amount or, indeed, all of the proposals.

I think this practice not only lends itself to Hydro. I think it is significant that it has begun with this Hydro report because of its importance to the province, I think it extends—pardon?

Ms. Gigantes: That's the benefit of a minority government.

Mr. Drea: Not necessarily. It extends throughout the whole select committee process. I regard this as a very positive demonstration by this government, unlike the present

hiatus in Ottawa where on some days there is a form of energy policy and on others virtually none, that this government is now committed to an energy policy for the particular form of energy it does have control over, and that is the electrical field.

One of the more significant recommendations in this report is the one by which Ontario Hydro will change its planning process to begin emphasizing the implementation of conservation and the most important part of conservation, that is, load management. It is very significant that with the recommendation of the committee some months before, even prior to the acceptance by the government of this proposal, there was a great stimulus to the people who are really going to have to work on it and in the end determine whether or not conservation and more effective load management can be made to work in this province. I speak of the local utilities and the Ontario Municipal Electric Association.

I am very proud that in my own area, the Scarborough Public Utilities Commission has presented to the government a most imaginative and at the same time a most practical proposal for a load management programme which may very well change the entire operations of public utilities across this province. It is an imaginative programme because it involves the ripple control technique which is a way of forcing conservation on the customer without the customer suffering any ill benefits. It is a proposal that will ultimately save the consumers an enormous amount of money but, more significantly, will allow a new approach to planning the generation capacity for the future.

One of the concerns at the present time is that it is all very well to talk today about limiting future developments in generation, but concern is that what we limit today may very well come back to haunt us 10, 12 or 15 years down the road. I am convinced that with energy conservation and peak load control we can make the existing system so much more flexible, so much more able to handle upturns in demand and so much better able to smooth out the peaks and valleys that have produced such a strain upon not only the generation capacity but the distribution capacity of the local utilities, that in the future the success of load management planning may very well overshadow that of generation planning. Frankly, for the past 50 years generation planning has been the dominant factor in the policies of Ontario Hydro.

My only concern with the question of setting specific targets and demand reductions is not in principle, but I do not think we can

treat electrical energy in this province in isolation from certain other developments that are taking place in the energy field. I wouldn't have any qualms if we were assured in this country of an adequate and continuing source of energy from oil or from natural gas.

Quite frankly, what concerns me is the conversion by industry, by necessity, from natural gas into electrical energy. The fact that there is not a national energy policy concerning natural gas, at least not a coherent one, puts more strain upon the existing Hydro system because industry more and more is not going to leave itself dependent upon one energy source. It is going increasingly to convert to electrical energy. Since that involves the very industrial growth, the standard of living and the ability of this province to sustain a standard of living which is for the good and welfare of all the people, I think it should be a very deep concern when looking ahead toward what we really face in terms of demand and in terms of increasing demand.

While I do not share the very grave concerns of some about the future of nuclear power, at least in this country and at least with the techniques and the plants developed by Ontario Hydro, I do feel, because of the tremendous emotionalism raised by the very mention of nuclear power or nuclear generation or nuclear plants, that indeed a select committee will provide a very salutary effect. It's very interesting that, despite the frantic emotionalism and the plebiscites that were held upon nuclear power in the United States—and I don't consider that to be the way to decide whether a nuclear commitment should go on or be stopped—not one of those plebiscites was successful in stopping the continuation of nuclear power.

There is no doubt that the future of this province is harnessed to nuclear power. The obligation is to provide nuclear power that will be a safe, efficient and continuing source of electrical energy, not only for industry but indeed for the entire community.

Mr. Lewis: What about the disposal problem?

Mr. Drea: I don't have the qualms that you have about the disposal problem.

Mr. Haggerty: Recycle it, Frank.

Mr. Bain: What is your solution?

Mr. Acting Speaker: Order please. The hon. member for Scarborough Centre has the floor.

Mr. Drea: Unlike some people I do not consider myself to be an instant expert on nuclear energy. I am suggesting I do not share the emotional qualms. I have said that the select committee, even if it cannot come up with solutions to very particular and very specific problems concerning the nuclear energy of the future, the second generation of it, at the very least it will provide a very salutary effect upon the emotionalism that unfortunately is clouding this issue; particularly emotionalism that concerns certain factors that go on in the United States or other countries and do not necessarily go on here.

In conclusion, I wish to compliment the minister. With the amendments that have been made today, 33 out of the 40 recommendations of the select committee have been adopted by government. There are firm commitments to accept them, to implement them and to make sure that they are carried out. I think this indicates the record of a select committee that started out with a very specific and a very narrow task, which was to consider the rates for 1976, that after considering those rates under tremendous time constraints did expand itself into looking through the curtain of those rates into the entire system of Hydro, and now has produced the kind of proposals that will permit the province to develop a policy whereby the energy challenges not only can be met but will be met in the most efficient way and at the lowest possible rate to the consumer.

Mr. MacDonald: When I spoke briefly on the occasion of the tabling of this report, "A New Public Policy Direction for Ontario Hydro," in June, I stated that it was one of the most satisfying select committees that I had been a part of in my 21 years in the Legislature. That satisfaction derived not only from the fact that I had the privilege of chairing the committee, but also because I felt that the combination of the efforts of the committee members and of the staff had produced a report which was genuinely going to provide a new public policy direction for Hydro.

Perhaps if there was any underlining that needed, the minister has given it in terms of his fairly complete acceptance of the report and now, with further amendments today, a near complete acceptance. Indeed, I think, if I may just correct the hon. member for Scarborough Centre (Mr. Drea), he's even done his government's record a little injustice. My tabulation in the first instance

was that there were 30 accepted totally, five accepted on a modified basis, two accepted in principle and three rejected. With the amendments, I think there are really about 39 accepted with some modifications and some small changes, and one little one with regard to water rentals, which we'll not argue over, still sits there as rejected.

However, let's forget those statistics. I think it is a commitment on the part of the government to proceed with the implementation of a report to an extent that I am confident has never taken place before, perhaps ever, in the history of the province of Ontario.

[4:45]

I want to accept congratulations for the committee for a good report. I want to extend congratulations to the government for recognizing it as such and moving so quickly to accept it in its implementation. There is not much need for extended comment, in view of this unanimity and the mechanisms that have been established for implementing it, but there are two or three areas that I do want to touch on briefly. I want to express particular satisfaction at the government's acceptance today of the appointment, not later than next fall, of a select committee to look into the whole nuclear option.

Hon. members are very much aware of the almost incredible growing concern that is arising all across the world, resulting in the postponement and in some instances of the cancellation of the building of nuclear plants. Whether or not one accepts the qualms with regard to the nuclear option, I suggest that really isn't the point at this stage. The point is that one has to provide an appropriate kind of public forum to take a look at this, to calm the apprehension, and I think there is no institution that is going to be served by that more than Hydro. If Hydro is going to find a growing public expression of doubt about the cornerstone of its generation policy, if governments are constantly going to be the butt of political flak with regard to a dangerous process of generating energy, surely it's in the interests of people, in the interest of everybody concerned, to resolve those difficulties to whatever extent they can be resolved.

In fact, just let me pause here to interject a mildly irrelevant point to show how very confused this issue can become. The public image is, and the world generally has accepted the proposition, that the Democratic Socialist government in Sweden was defeated because of the nuclear issue. The facts are

that that party lost three-tenths of one per cent in votes, and that the Conservative party that won the election and became the government lost two per cent of the vote and became the government because it got the support of two small parties, whose votes went up and both of whom were in support of the Social Democratic position in support of nuclear energy.

Here you have a public image that Sweden had rejected this, whereas any objective analysis of the figures comes to the alternative conclusion. In a way that is analogous, I think, to what we have to do, which is to get at the facts and resolve them. I have no illusions that perhaps this thing is so shot through with emotions now that even if one does get the facts some people are going to have difficulty changing their minds. At least I think it is an important exercise and provides a vehicle for a sort of a therapeutic outlet, as it were.

Let me touch on only one topic in something of a substantive way with regard to this report. One of the fascinating things that emerged in the course of the committee's deliberation and is highlighted in the report is what is referred to as the capital crunch that Hydro is now having to face. Hydro's operations in the past, difficult as they may have been, were very, very simple by comparison with their problems in the future. In the past, they forecast what their needs were and their track record in terms of forecasting their needs was a very good one. They then turned to the engineers and said: "Here are our needs down through the years for the next 10 years. What is the appropriate mix of new generators to be created to be able to produce that electricity?" After the engineers had come to their conclusions, they turned to the financial boys in Hydro who, in turn, worked with Bay Street and New York and said: "Let's get the money." There was no problem in getting the money. Until two or three years ago they never had to borrow more than \$500 million, \$600 million or \$700 million, which was a wholly manageable kind of proposition.

Mr. Haggerty: That's peanuts.

Mr. MacDonald: That's peanuts, that's right. But, as you know, Hydro's capital needs in the last two or three years had mounted until they were getting close to \$2 billion and, because of a situation that the government generally faced, the provincial Treasurer (Mr. McKeough) intervened and has fixed for this year, next year and 1978

a ceiling of \$1.5 billion as all the capital that is going to be available to Hydro. So Hydro now has to reverse its whole process of operation. It takes a look and says, "What is our available capital?" Having decided what that is, they say, "What is the best mix of generating plants that we can build with that capital?" Then, finally, they say, "What can we do to reduce our forecast electricity needs so that we won't have brownouts, so that our generating capacity is going to meet those needs fully?" That is not only a fundamental, that kind of reversal of process, but it is almost mind-boggling in its ramifications.

What I want to draw to the attention of the House is a table that is Exhibit II-3, which is a forecast of the substantial financing gap for Hydro in the 1980s. Without going through all the stages of the years that lie between here and 1982, the last one that is illustrated on the graph, we find that the capital availability in 1982, is in the range of approximately \$2.5 billion, while the borrowing requirements for Hydro in that year are going to be just a shade under \$4 billion. In short, in 1982, as we look down the road at this stage there's going to be a gap of \$1.5 billion in capital that at the moment doesn't look as if it is going to be available.

Quite frankly, I almost hesitate to ask anybody how they are going to grapple with that problem. That's an extremely difficult kind of situation. Indeed, I think it's going to get worse. I've seen figures elsewhere, in terms of forecasts beyond 1982, which saw Hydro's needs going up to \$4.5 billion, to \$5 billion and to \$5.2 billion.

We are going to be faced with what was termed in the report as a capital crunch. One can see the proportions of that capital crunch when the gap between the requirements and available capital in 1982 is going to be almost \$1.5 billion and a ceiling has been placed on available capital by the provincial Treasurer for these three years; one can see a crunch of monumental proportions.

I think it underlines the very great necessity, in this new direction in public policy, for moving in two or three areas. First, it seems to me—and this doesn't escape wholly the capital crunch—that we've got to look at those alternative sources of power that may be available. I think the public today have tended to accept the idea that there is a ready solution just around the corner in terms of solar energy. But as to whether or not and to what extent we can develop solar energy, unfortunately we're still only at really an experimental stage; we should have started a generation or two ago and been at a stage where

we would be in a position to assess the potential contribution of solar energy, but we're not. However, solar energy and other alternative sources have got to be examined.

There has got to be not only great stress on conservation, and the minister has not only got to get Ergie on buttons, but he's got to get energetic in terms of setting targets and making certain that those targets are lived up to. Once again, I don't think one should have any illusions as to the difficulties inherent in this, because to a considerable extent it's going to require some degree of changing lifestyle as far as residential and perhaps commercial use of electricity is concerned. It is perhaps not only going to change lifestyle but industrial patterns and production procedures in the whole industrial sector. So that's going to be difficult. But it must be tackled in spite of its difficulties, because that capital crunch is really staring us in the face.

Mr. Nixon: Well, I thought he was supposed to get Joulie, not Ergie.

Hon. Mr. Timbrell: That is 10 million ergs.

Mr. MacDonald: For once this government wasn't expansive; it was content with a little erg instead of 10 million of them.

Mr. Nixon: No, an erg is a unit of work, not of energy.

Mr. MacDonald: The final area where the government's bringing in a further amendment as an acknowledgement of an even firmer recognition on their part is in reference to this necessity of setting targets for the reduction of the peak load.

I don't know whether the public has really grasped the point that when one builds a hydro system such as we have in the province of Ontario, there may be one or perhaps more than one generating plant which is sitting there to be used only for a few minutes every day or for a few days every year. It enables the system to meet that peak on the graph when the requirements are needed—toward 6 o'clock at night toward Christmas and on into January depending on weather conditions during the course of the year. They think that in some fashion or other we can shave those peaks and fill in the valleys to obviate the need to have that extra generating plant.

We are saving hundreds of millions of dollars in terms of new capital requirements. Now it gets to almost a billion or more dollars and therefore something must be done. What is now being recognized and accepted in the further amendments is that if we are going to set targets and work toward their

fulfilment, we should at the same time immediately develop an alternative generation programme which will reduce the size of Hydro because there's just no way about it. If we want to cut rates, the only way we can cut rates is to do something to reduce the whole size and the expansion of the system. In so doing we are going to be able to meet the overall objective of a system which won't require so much capital which, at this point, looks as though it simply isn't going to be available at the end of the next decade or so.

Most of these key recommendations sort of focus on this question of the size of the system and what can be done legitimately to reduce that size and, therefore, lessen the burden on the consumer without in any serious way eroding the reliability of the system which in the past has been rather spectacularly good.

My final point is once again to express appreciation to the minister with particular reference to his acceptance of the establishment of a monitoring committee, not later than the fall of 1977, to begin to take a look at what's happening here. It is no criticism of Hydro. It is just a recognition of the basic fact that dealing with an institution as big as Hydro is like trying to turn a battleship around in the ocean. It is not going to happen without a lot of concentration and redirection.

Hon. Mr. Timbrell: I said that at your committee meeting.

Mr. MacDonald: Did you? I wondered where I had picked up that rather good analogy. Very good. I sort of tucked it away on my shelf and I was going to use it other than in your presence and now it has slipped out. I am sorry, but I give you credit for it.

Hon. Mr. Timbrell: You can at least give attribution.

Mr. MacDonald: Okay. I now attribute it to you.

Mr. Renwick: I thought the minister was talking about himself.

Mr. Foulds: It is certainly better than the introductory speech you gave to this—

Mr. MacDonald: In case the minister and I may appear to be getting too palsy on this thing, let me say this: I think any ministry, particularly a new ministry, trying to cope with an institution like Hydro, even though it is more sensitive to government intervention and to government's right to lay down policy, is going to be strengthened in fulfilling its obligations if it has the backing of a select

committee as the voice and the involvement of the Legislature.

If there's one serious fault in the history of Hydro, it has been that for reasons which are understandable in the earlier years but which became less justifiable in later years, Hydro has operated almost as a law unto itself. I am not letting any secrets out when I say that on the government back-benches many times in the last generation, for example, there was as much anger and frustration with regard to what was going on in Hydro, the difficulty of finding out what was going on and the attitude of Hydro toward government and members, as there was on the opposition side of the House.

I have illustrated that point by saying that it was my conviction that the government appointed Bob Macaulay, who was one of the most effective gadflies in the world, as vice-chairman of Hydro in the late 1950s just to go in and find out what was going on in that institution. Unfortunately, Bob became interested in other things and whatever the benefit of that little sojourn of his it was never sort of passed on because he got out of politics.

[5:00]

Finally, Hydro now has become something that the Legislature is aware of, and has had an opportunity to look into. Indeed it was a rare privilege—I speak personally now—it was a rare privilege to have the opportunity to have what was a crash-course in terms of the examination of the operations of Hydro. Some of its achievements are very, very creditable achievements. But some of the concerns expressed in the past are still there.

It seems to me the operation of a select committee to monitor and make certain this new direction in policy is being fulfilled, to assist the minister in his process in doing that, is a very important part of this report and a very important part of the government's acceptance of it.

Mr. Eakins: For years the provincial government has permitted, yes, and even encouraged, Ontario Hydro to operate without effective legislative control. Establishment of the select committee was the first attempt to really inquire into Hydro's activities. Perhaps the real question at issue is: Why has the government permitted such independence of action in an area in which it has direct jurisdictional responsibility?

In 1974 the Hydro rate increase was 10 per cent; in 1975 the increase to municipalities was 12.4 per cent, to direct industrial customers 15.2 per cent; in 1976, 22 per

cent was the figure; and for 1977 the requested increase was 30.3 per cent. Exponential growth has, it seems, become a matter of Hydro policy at every level. Whether this is necessitated by consumer demand, or whether it places an unnecessary financial burden upon Ontario taxpayers would seem to be a matter of no importance to either Hydro or the provincial government.

Last October, in the Throne Speech the government appealed to the people of Ontario to be resolute in the fight against inflation. The government also decided that the national anti-inflation programme should apply directly to the public sector in Ontario. In all fairness, how can the government call upon the people of Ontario to accept the anti-inflation restrictions on salary increases, and at the same time permit the imposition of increases in OHIP premiums, hydro rates, and so on, which far exceed the anti-inflation guidelines?

Hydro's rate of expansion is not inevitable. It already has been demonstrated that capital expansion can be reduced. When the Treasurer issued a directive that spending must be reduced by \$1½ billion a year, Hydro cut their targets from seven per cent to six per cent in annual growth. Two months previously, they had said that this was impossible, but they reduced the targets in approximately three weeks.

We believe a capital load management programme would reduce the increase in demand still further. I believe 5.4 per cent is a reasonable rate of increase which would result in ultimate savings in cost to the consumer. Right now we have sufficient reserve capacity—I believe there is 38 per cent reserve over and above the peak consumption.

Hydro has failed to reduce peak consumption by incentive pricing. It has not changed its pricing method to encourage energy conservation. Although Hydro's own figures for 1975 demonstrate the cost per kilowatt for thermo-nuclear electricity is about eight times that for hydraulic power, the government has made such a firm commitment to nuclear power electricity that hydraulic plants have been closed down rather than repaired and refitted.

Throughout the world the entire question of nuclear power is being re-evaluated. This is the situation in Japan, Holland, and in Scandinavia. In Britain, a royal commission has recently warned against the major commitment to nuclear power for electricity, citing the danger of nuclear waste and the entirely credible possibility that terrorists might seize nuclear materials.

For environmental as well as financial reasons Hydro should scale down expansionist policies, concentrating, I believe, upon energy conservation, load management, and other methods of reducing generating capacity targets. The funding of Ontario Hydro plans for future expansion places an unreasonable and well-nigh intolerable financial burden upon the people of this province.

Ontario Hydro can no longer be permitted to operate outside the control of this Legislature. It is the responsibility of the Premier (Mr. Davis) and his ministers to ensure that Hydro is accountable to the people of Ontario through their elected representatives.

Mr. Acting Speaker: I understand that on the normal rotation the hon. member for Dufferin-Simcoe (Mr. McCague) would be the next speaker. The Chair is not aware of any other arrangements made by the House leaders on allocation of time or rotation of speakers. Perhaps we could be advised and abide by the wishes of the House leaders.

Mr. Haggerty: Mr. Speaker, I thought from what our critic indicated to me, that there was an hour's time allotment for each party and the speakers were to follow on that basis. So I imagine the debate should end at about 6 o'clock.

Mr. Acting Speaker: The Chair is not aware of any arrangements or understanding that the House leaders may have had.

Hon. Mr. Timbrell: Mr. Speaker, perhaps I could attempt to clarify this. I understand that the House leaders did, in fact, make some arrangement that each of the parties would have about an hour. With regard to the question of rotation, since the previous speakers for the government party have used up about 35 minutes of the hour allocated to our party, I've conferred with my colleagues and the decision was that the rotation should continue within the time limits for each of the opposition parties and then I would use whatever time is left on behalf of the government party and wind up the debate, if that's acceptable to you, sir, and to the members of the House.

Mr. MacDonald: In short, you speak at about 5:30 at the latest and it rotates here until 5:30?

Hon. Mr. Timbrell: Yes.

Mr. Acting Speaker: The hon. member for Dufferin-Simcoe.

Hon. Mr. Timbrell: Mr. Speaker, the point I just made was that there will be no further

speakers from the government side except myself, who will wind up the debate; until that point it would rotate between the two opposition parties.

Mr. Bain: Mr. Speaker, because of the constraints of time I will attempt to remain quite brief. The gravity of today's debate, though, I think deserves some comment.

The fact that the government is willing to accept a select committee that will investigate the appropriateness of Hydro's nuclear commitment, I think is significant. I wouldn't want to be somewhat pessimistic or sceptical of the conversion of the minister and the government to the idea of a select committee, but there has been a certain reluctance by the government to accept it; indeed, the government does not have to set it up, according to the motion we have in front of us, until the fall of 1977. Knowing the political climate in Ontario, one never knows what will be the situation in this House by the fall of 1977.

Mr. Conway: Come, come!

Mr. Bain: But regardless of that, at least we will have public participation. I think that is the most important thing. We can't take much solace in any commitment that the government may or may not be making to implement legislation, but I think a public airing of the nuclear commitment is important. I believe that there are a considerable number of problems with nuclear energy and, contrary to some of the statements that have been made by government members, they are not mere technical problems or emotional over-reactions.

The member for Scarborough Centre (Mr. Drea) indicated that the most important thing the select committee would do would be to give people a chance to vent their emotions, and thus defuse those emotions, regarding nuclear energy. In fact, we do not have in Canada, through the Candu reactor system, a safer method of generating nuclear energy than any other jurisdiction. Perhaps the only area that has one that is generally accepted to be especially dangerous is in the Soviet Union. But our system is certainly just as dangerous as the American one. I would remind the minister that nuclear reactors, in essence, are bombs, and bombs do explode. Just because none has exploded, that might have to do with something along the line that there aren't very many yet and that you have had a lot of very good, very capable people, and extremely lucky people looking after those nuclear reactors. With the proliferation of nuclear reactors, you're

bound to get a very serious accident and you're bound to have devastation over a very wide area; in essence, a nuclear explosion.

That is a problem that I think is very severe. The government may say that this is not going to happen, that we'll always be able to meet the challenge, that we'll always have technicians who can short-circuit the problems before they become a severe accident, but what are you going to do with the nuclear waste?

The nuclear waste is not something on which you have any clear-cut proposals. Basically your attitude is that you'll bury them, bury the problem, bury the waste and hope that in the future there'll be a technological solution as to what you're going to do with this nuclear waste. I would suggest that this is being optimistic to the point of being negligent. We don't have any guarantees there will be any technology and you know that, in fact, the storage containers for nuclear waste will not last as long as the life of the nuclear waste itself, so the containers will disintegrate before the radioactivity in the waste is gone.

I know some jurisdictions—I believe Britain is one of them—dispose of their nuclear waste by dumping it in the ocean. The Americans apparently pump it into underground well systems—neat little things like that. They never will be able to retrieve it. You at least keep it around so if you do ever come across a technology to do something with it, you can do that. But other jurisdictions dispose of it in such a manner that they are ensuring that in generations to come this nuclear waste will become a very severe environmental hazard that will have repercussions not only for plant and animal life, but for mankind as well.

The only possible solution I can see at the moment is to place a moratorium on the development of nuclear energy and as quickly as possible phase out the existing nuclear reactors. That debate will be the one the select committee will get into and I believe the public hearings that will occur, and address themselves to that kind of a question, will be extremely useful.

The alternative sources. The minister is perfectly aware most alternative sources are a lot more efficient, in fact, in terms of energy efficiency, and conversion efficiency than nuclear energy. Energy Probe says the Candu nuclear power plant system is 30 per cent efficient whereas our large hydro-electric turbines are 95 per cent efficient. Thirty per cent efficient, I know, was not the tar-

get you may have anticipated but it is, in fact, what has been the result. The Candu nuclear reactors are extremely inefficient and probably none of them will ever operate anywhere near the capacity that was envisioned for them.

Other forms of energy such as wind and solar energy are much more efficient and again, Energy Probe, in the Renewable Energy Handbook, indicates that we could, in fact, supply all our needs in Canada with any of the following and each one would supply all our needs: Solar, thermal, photovoltaic, wind and geo-thermal.

Now, if this government had anticipated—and in fact, it is this government that's before us today—if this government had been planning at all and if Ontario Hydro had been planning—because I feel that the government and Ontario Hydro really are one and the same—it would have been into some alternative forms of research in the 1940s. We now would have solar energy being supplied to our cities and the people of this province and the government would not need to try and force nuclear energy down our throats with the threat that our industry and our homes and our factories and our schools will go without light and power if we don't go along with nuclear reactors.

[5:15]

In essence, because it has never planned ahead in the area of energy, the government is now blackmailing us into accepting nuclear reactors. Nuclear reactors are dangerous, we can't dispose of the waste, and they are going to get this province into something that in a few years time none of us will want to be into. As I said earlier, we must have a moratorium on the development of nuclear energy and we must phase out the existing plants.

We also must get into a lot of research—spend the money we're spending on nuclear energy research and development on solar energy. If necessary spend a little more and get into a real crash programme so that we can have solar energy coming on stream. Perhaps before we get to the solar energy coming on stream, we are going to have to have very severe cutbacks in our consumption of electricity. If we all have to go without air-conditioning and electric toothbrushes and electric can openers, worse things have happened.

Again, I welcome the establishment of the select committee, and I'm sure that it will get into some very fruitful discussions. I only hope that the government will be diligent in pursuing the recommendations of that com-

mittee, and that it will begin to get away from the nuclear commitment it has made.

I would just like to add that Ontario Hydro, as far as I'm concerned, has been acting almost as a private, independent entity. It's supposed to have been responsible to the people of this province through the government, but it really hasn't been. Only from time to time has the government scrutinized the operations of Ontario Hydro and usually it always agreed with Ontario Hydro. Now either this government or Ontario Hydro is negligent in not having planned properly so that we would avoid any sort of development of nuclear energy by default, because we couldn't do otherwise. I think that is unsafe to get into and it's something that the government has to avoid at all costs.

I would simply like to leave with the members a paraphrasing—and I don't claim to be quoting him accurately—of Mr. Gofman in *Poisoned Power*. He says that an error on the side of conservatism in estimating a danger can be at worst a delaying nuisance for the promoters of the technology. An error on the side of optimism leading to some underestimation of the true hazard can be extremely costly to mankind.

Mr. Haggerty: I am pleased to enter into the debate relating to the response of the Ministry of Energy concerning the recommendations of the select committee reviewing the Ontario Hydro proposals to increase bulk power rates for the year 1976.

As a member of that committee, the all-party committee, we endorsed and supported the 40 recommendations and I don't think there was any disagreement whatsoever. I think the 40 recommendations were good recommendations. The committee heard from a number of knowledgeable witnesses who represented a broad area of experts across the North American continent, and I'm pleased to commend the minister now in moving the amendments that will further some of the recommendations of that report, particularly as it relates to recommendation III-29, that in order to permit sufficient time to implement the recommendations approved by the Legislature considering or monitoring the select committee be deferred for one year, and he did suggest or indicate to the House that there was an amendment to that which said a committee would be established sometime in the early fall.

How well I can recall the member for Brant-Oxford-Norfolk (Mr. Nixon), then the leader of the official opposition, indicate to the Legislature in November, 1973, that a

committee of the Legislature be established to review Hydro rate increases for 1973. Previously the proposed Hydro rate increases were approved by the government without any particular review. The rate increase in 1973 was an average of 7.5 to 10 per cent for the rural customers in Ontario. The question again was the equity in the increase at that time.

At the present time it is suggested that the rate increase for 1977 will be 30.3 per cent, which is above the recommendations of the select committee last year. The final action taken by the government, through a minority government, was to appoint the select committee to review the rates and I think it has met with quite a success here in the Legislature and through this report.

Much of the difficulty now present in the increased Hydro rates—I should say a substantial increase to consumers of approximately 60 per cent in a three-year period—can be credited to the mismanagement of Hydro goals for the expansion programme.

One recommendation of the select committee was to reduce this expansion programme from 7 per cent to 5.4 per cent growth. That perhaps has caused some difficulties with the report and the interpretation of it, but I think it has merit that we should perhaps be heading for that goal. In the past the expansion programme and the rate of growth they had used when they calculated their expansion programme I think was far in excess of the needs for Hydro in Ontario.

No doubt the increase in Hydro rates is going to cause some difficulty to industry and one can only quote from one of the persons present at a number of the hearings of the select committee dealing with the Ontario Hydro rate proposals, Mr. Kenneth Voss, who was chairman of AMPCO. And I would like to quote what he said in his August, 1976 press release:

"Ontario must adopt power pricing policies which promote economic utilization and conservation of electricity," the past chairman of AMPCO said in June. Mr. Kenneth Voss also criticized the Porter royal commission on electrical power planning for acting unilaterally in ignoring the priorities contained in the terms of the reference.

He goes on to say:

"Ontario Hydro and its industrial users could aid many smaller firms in the application of sound conservation practices."

I think he put their case very well before the committee. He continued:

"We supported Ontario Hydro and the province of Ontario in hearings before the National Energy Board in Montreal opposing an application to export nine mil power to the United States from generating facilities at Churchill Falls and James Bay. Our position is that Canadian consumers should have the first call on Canadian natural resources and that we should not consider giving away these resources when they may be employed to a far greater benefit here at home."

When we look at that comment, I suppose the other direction that the minister discussed with the committee at the particular time was there should be a national energy policy in Canada. I think that is a most important step, too.

"Contingent liabilities on Ontario Hydro had increased in a 10-year period 163.2 per cent to almost \$5 billion in two years, a substantial increase of 32.9 per cent from the year 1975 to 1976 of almost \$5 billion." An expenditure that places the province in a financial straitjacket.

One of the financial difficulties where Ontario Hydro has not produced is perhaps in the revenue from exporting hydro to the United States. There was supposed to be substantial revenue gained by this; I think it was estimated to be about \$100 million and there has been quite a shortfall in that particular area.

This, in my opinion, means the government has been misled in this area by the minister's predecessor when he stated in the Legislature—quoting from Hansard, Volume 4, 1973, page 4632:

"Hon. Mr. McKeough: . . . the outstanding success of Pickering has made it possible, with permission, for Ontario Hydro to export more power at a very good price, I might say, which lowers the cost of power or has the effect of reducing the cost of increasing electrical power to the consumers of Ontario."

Now, that to me is a misleading statement. I think this is where we got into our problems with Ontario Hydro and their expansion programme. We had geared Hydro to export energy to the United States, and that's another field of difficulties that we find ourselves in. When you have competition from the province of Quebec also wanting to export energy to the United States, there's quite a field.

I suppose with the recession in the United States they have not purchased the power the previous minister had expected. I feel he is the culprit here—in the cost of energy to the province of Ontario. Through his guidance, decisions were made to gear up Ontario

Hydro into huge, expansionary programmes to export energy to the United States—at the present time a complete failure. As a consequence the people of the province of Ontario now have to suffer tremendous hydro rate increases. It's causing difficulties not only in the industrial field, but even for the home consumer.

Just how far can you push the residents of the province of Ontario on any energy cost? I think the government has to take careful consideration of any cost of energy to the people of Ontario from this day forward. It is a problem area.

The Power Commission Act, debated in the Legislature in 1973, provided means for Ontario Hydro to spend some \$8 billion to \$10 billion in a period of approximately eight years. The member for Rainy River (Mr. Reid) the party critic at that time, stated the intent of the Act was "hydro at cost." But then he added, "It will be hydro at uncontrollable cost."

I believe the member was right on.

The government has failed in this area of hydro at cost. And the cost to the consumer of any energy form is becoming out of the reach of his income.

I do have a few other comments to back up some of the arguments that have been put to the minister here. I was concerned about the article from the Ontario Economic Council—The Effects of Energy Price Changes on Commodity Prices, Interprovincial Trade and Employment. These are on page three of a press release from James R. Melvin, Ontario Economic Council:

"Uniform price increases for petroleum products in North America would favour United States industry. This suggests that there may be an economic justification for maintaining a price differential between Canada and the United States. If Canada adopts world prices for petroleum, as prices continue to rise, she will find herself more and more at a price disadvantage relative to the United States."

I think that the select committee when they continue hearings in the fall should be looking at this particular area—the uniform price in Canada of all energy—which will be reflected in the cost of hydro in Ontario.

As my colleagues have mentioned before, I think we should be taking a good hard look at the hydraulic facilities that have been phased out in the past 10 or 15 years. We should perhaps reconstruct these particular sites. And as mentioned before there are some areas of nuclear power generating in Ontario that may cause difficulties in future years.

There is a risk with any nuclear power. I would suggest a reasonable way to generate electricity in Ontario is by using our hydraulic resources. I understand there are a number of areas in this particular field—some members talked about the Albany watershed in the James Bay area. I think the intent of the committee, when we mentioned this, was that the government should be implementing environmental studies now. Not saying that we should get on with the project, but saying we should be ready at almost any time to implement hydraulic electricity generating plants. If we look at the announcement in the past week about Reed Paper expanding in that area and consider that other paper companies are expanding in that particular area, then I think we are going to have to look for additional hydro-electricity from our resources area and in particular the Albany River.

[5:30]

I hope that the minister will appoint that committee a lot earlier than the fall and that we can continue with the 40 recommendations, which I think are going to set new policy guidelines for Ontario Hydro. But I say the fault for the Hydro increases at the present time—and they are substantially high—lies with the government, because it geared itself for export.

Mr. Acting Speaker: Is there any further debate? I understood from the comments that were made earlier by the minister about the allocation of time, that he would start his reply around 5:30.

Mr. Conway: I think I can accommodate that with one or two very brief remarks, Mr. Speaker.

I did not want to let the opportunity pass without positively acknowledging the minister's reconsideration of the select committee on the question of nuclear energy, because I doubt if there is anyone in this august assembly who has a greater representation of nuclear concern than I do in Renfrew North and I do think that it is an extremely appropriate forum to take place at this point in time.

I can tell you, sir, that I listened with a great deal of interest both to the comments of the member for Timiskaming (Mr. Bain) and earlier from the member for Carleton East (Ms. Gigantes) with respect to the role of politics and politicians in such a debate, but I just wanted to take this opportunity to say on behalf of many of the people—and there are several thousand in my riding—whose livelihood is determined by and related

to the nuclear energy business, that those people sometimes feel very chagrined at what we politicians do in matters of high technical concern and specificity and complexity. At the present time, for example, we are faced with the situation where the Port Hope material is finding its way into the environs of Renfrew North. I think it is an important debate, one that I certainly support, and I just wanted to take this opportunity to acknowledge the minister's positive reconsideration of that. I think it's important. I know the people in the atomic energy business in Renfrew North will certainly appreciate the opportunity, and for them I would just like to take this opportunity to focus my own acknowledgement of what I think is the minister's very wise reconsideration.

Mr. Roy: Make 5,000 copies, Sean.

Mr. Acting Speaker: Is there any further debate? The hon. minister.

Hon. Mr. Timbrell: Mr. Speaker, I want to start off my concluding remarks by reading into the record some of the advice I have had since the final report of the select committee was tabled in the House in June of this year.

Following the tabling of the report, I undertook to canvass a fairly wide cross-section of the Ontario economy. I wrote to trade unions. I wrote to various associations involved in commerce, agriculture and other fields. I wrote to such groups as the manufacturers' association and so on and, of course, first and foremost, to Ontario Hydro to ask for their advice on various aspects of the report as tabled. I want, first of all, to read into the record of the House, and subsequently to table in the House, the response which I had from the chairman of Ontario Hydro. It's dated September 16, 1976, and is addressed to myself:

"Dear Mr. Minister:

"The board of directors has carefully reviewed the June 1976 report of the Legislature's select committee entitled 'A New Public Policy Direction for Ontario Hydro.'

"The board concurs with the general intent of the committee's recommendations, which in the board's view accurately reflect the new social environment in which utilities are now operated, the need for aggressive conservation programmes and the urgent requirement to develop and put into effect load management techniques that will guarantee the most efficient use of generating stations and fuel resources in the constrained circumstances that lie ahead.

"In developing its response to the select committee's report, the Hydro board identified two major areas of uncertainty that can only be resolved by the government of Ontario.

"First is the need to reconcile the long-term assessment of power system planning being undertaken by the royal commission on electric power planning and the specific recommendations for immediate action made by the select committee.

Second is the need to assess the socio-economic impact of changing the planned expansion of Ontario's electrical resources and the need to define the respective roles of government and Ontario Hydro in the performance of that task.

The select committee accepted Hydro's load forecast and agreed that its conservation programme is an ambitious one. However, its recommendations are based on an even more stringent conservation programme, a high target for load management and an arbitrary assumption concerning the level of assistance that should be expected from those utilities outside Ontario with which Ontario has interconnections.

While the board shares the committee's view that every realistic initiative towards the economical use of resources must be seized and carried forward, it faces three key unknowns in reviewing its plans for the expansion of the provincial power system.

"1. When and to what degree can changes in the habits and behaviour of consumers be expected to reduce the demand for electricity?

"2. To what extent can Ontario rely on utilities in other provinces and in the United States to provide assistance in meeting power demands during critical periods? Most of those utilities face similar constraints on the financing and construction of new generating capacity to those faced by Hydro.

"3. What is the future availability and price of other forms of energy going to be?

"The select committee itself noted, 'as conventional sources of energy become scarce or prohibitively expensive, Ontario Hydro may have a vital and much broader role to play in protecting Ontario's energy future.'

"More recently you have indicated that a trend to substitute electricity for fossil fuels has begun and is predicted to continue. In the long run the conclusions and recommendations of the Porter commission should provide a basis for making judgements on these questions. In the shorter run, to which the

recommendations of the select committee are addressed, Hydro will be seeking and using interim answers. The board's view is that plans for expansion of the province's electrical resources should be adjusted either up or down to match future needs as they are identified from time to time by the best current forecasts.

"As I indicated in my letter last May to Donald C. Macdonald, chairman of the select committee, the board has serious misgivings about ordering further cutbacks in the system expansion programme before the benefits and risks of such a decision are carefully weighed. The \$6.5 billion reduction in the expansion programme over the last 12 months has increased substantially the risk of having insufficient generating capacity to meet the needs of the province in the early 1980s.

"To make deeper cuts without a thorough assessment of the effects on the provincial economy would, in the board's view, involve risks of unacceptable proportions. No one has yet assessed the implications of such a move on the economic vitality of Ontario, and the government would undoubtedly require a clearer understanding of them before permitting further cuts to be made.

"While there are cost penalties associated with overbuilding, the economic hazards of underbuilding appear to be even more harmful. With the long lead times now needed for the construction of new power stations, errors of judgement in planning can take 10 years or more to correct.

"In view of the magnitude, complexity and interdependence of these issues, the board has ordered a complete reassessment of the corporation's current system expansion programmes, along with a review of all the factors connected with it. We expect that the study, which will commence forthwith, will require from nine to 12 months of intensive effort before we will be ready to evaluate the committee's recommendation that the programme be altered.

"To be successful, the study will need the full co-operation of several government ministries. The findings can then be reviewed by the government as a basis for provincial policy decisions. You will appreciate the risks of declaring a complete moratorium on all commitments and construction of plant while this review is made.

"In an expansion programme, working to in-service dates scheduled over the next 10 years, delay itself becomes a decision to cut back the programme. The loss of 12 months would be impossible to recover. As a result,

the board believes that it is necessary to move forward with some aspects of the work associated with the Darlington and Atikokan stations and with the acquisition of a new site on the north shore of Lake Huron. The work will include such time-consuming steps as site preparation and environmental assessment but major equipment purchases will not be made for these projects until their present scheduling is reassessed as part of the study we are commencing.

"The taking of these steps simply recognizes the need to keep present options open in view of the uncertainty of the situation. During the past decade, Ontario Hydro has been trying to respond to some dramatic developments in the technological, economic and social context in the type, sources and costs of primary energy supplies—coal, oil, natural gas and uranium; the development and application of complex technologies for energy conversion and the delivery of electricity; the construction and operation of heavy water plants; a large, new and highly sophisticated chemical manufacturing process; inflationary increases in the cost of money, equipment, materials and labour, causing very large increases in the price of electricity; capital availability constraints; rising public concern about the environmental, economic and social consequences of Ontario Hydro's activities and the resultant review processes with their effects upon schedules, costs and general effectiveness of Hydro's operations.

"These developments have taken place principally in the last three or four years and have altered the order of the criteria by which a system expansion plan is judged. For example, system reliability and long-term product costs have been replaced by capital availability as the primary concern. It is clearly evident that, as suggested by the select committee, the priorities in Hydro's planning environment have substantially changed.

"The presently approved system expansion programme, known as LRF 48, reflects two cutbacks made during the past year as a result of constraints imposed by government directives. The second and more restrictive of these directives was issued in January of 1976; that cutback, of necessity, was made hurriedly with time for only very limited analysis of the effect on the various criteria, except for capital availability. Although expansion has been sharply curtailed, load forecasts have indicated little change in the steady growth of power demand. To bridge the gap, Hydro's conservation programme is being accelerated and given high priority in order to

try and preserve an acceptable level of system reliability.

"Ontario Hydro has, for many years, prepared extensive analyses as a basis for making choices among alternative plans. However, the recent shift in the order of precedence of the criteria used for judging programme alternatives has made analysis much more complicated and difficult. Sophisticated analytical techniques and masses of information which have not been either available or needed before are now required.

"Some of the work related to the study is already in hand, and the remainder will proceed as quickly as possible. Because of the extent of the cutbacks already made and the lack of experience in North America of such extensive load-growth reductions as those recommended by the select committee, the study must include an assessment of the economic and the social effects of changes in the expansion plan insofar as that is practicable.

"Ontario Hydro has done some work in this area and will be able to provide certain data from reliability studies currently underway. But the responsibility for a major portion of a socio-economic assessment will have to rest with the government. The study will attempt to evaluate all the key factors in the production and delivery of electric energy under a range of conditions encompassing all the pertinent recommendations of the select committee. These factors can be grouped broadly as follows: Resources, including primary energy supply, system reserve, manpower and finances; service, including quantity, quality, price and value; and, finally, community effects, including economic, social and environmental.

"Specifically, the study must encompass the following: The socio-economic effects of power system expansion on the Ontario community, including an assessment of the risk and resultant impact of excess or deficiency in system capability; an assessment of the role of electricity in protecting Ontario's energy future in relation to the availability and price of fossil fuels; a definition of a load plan that includes a programme for conservation and load management together with an assessment of the probabilities of achieving different target loads; an analysis of reserve capacity policy in terms of risk of failure to supply demand; the effect on the price of power and the associated value of reliability to the community; an assessment of availability, security of supply and cost of primary energy; the cost and reliability of various

generation mixes; the financial implications of system expansion, including the price of electricity, financial soundness and capital availability.

"The study will require extensive effort within Hydro and substantial contributions by appropriate government ministers. In many respects it will be developmental and continuing in nature but only such an approach can form the necessary ongoing basis for a proper selection of policies to apply to system expansion programmes of the future.

"The board believes the study will bring the many variables and uncertainties into clearer focus. It is an ambitious objective but one that the corporation must pursue. Many of the select committee's recommendations concern matters of broad policy for your ministry and the government to decide. The Hydro board, however, wishes to offer a comment on one specific recommendation in this category that related to the establishment of a select committee as the appropriate public forum to examine Ontario Hydro's nuclear commitment.

"There is a clear need to achieve greater public understanding of the benefits and risks of nuclear energy but it would hardly seem appropriate, particularly at this late date, to exclude the nuclear debate from the broad mandate given to the royal commission on electrical power planning. The appointment of a select committee to review the nuclear question would, therefore, result in two inquiries running parallel and simultaneously. This would blur rather than clarify the public's understanding of the issue and the alternatives.

"We suggest that a better way would be to await the final report of the royal commission and see if it meets the need expressed by the select committee.

[5:45]

"The Hydro board believes that the report of the select committee represents an important contribution to the understanding of the role and place of electricity in the economic and social structure of the province. We ask that you place this response of the board before the Legislature when the report of the select committee is debated." It is signed on behalf of the board by Robert B. Taylor.

This I agreed to do, Mr. Speaker, and at the same time I commended Hydro for the initiative they have shown. There are a couple of points there where obviously we did not accept the advice entirely, but I

think the initiative shown by Hydro in reviewing their system expansion programme and the elements that go into it is commendable and is reflected, in fact, in the number of the conclusions which the government arrived at and which are included in our response.

If I may, I also want to take a couple of minutes to read some other responses that we had from the private sector, if you will, which perhaps will give some indication to hon. members opposite why we were so reluctant, without further studies to which the government has committed ourselves and Ontario Hydro, to accept recommendations III-23 and III-24 as they were written.

The first letter I want to read comes from the United Brotherhood of Carpenters and Joiners of America. It reads as follows:

"It is predicted that 1,000 construction jobs will be lost in the very near future owing to these cutbacks in Hydro construction." That is cutbacks already put in place. "And, of course, not only will this affect employment in the construction industry, but also will affect employment for people in manufacturing who supply the necessary materials and equipment for Hydro projects.

"On behalf of the Ontario provincial council, I would ask you to give serious reconsideration to the provincial fiscal policies to enable Ontario Hydro to complete their planned construction projects as scheduled."

The next letter comes from Mr. Schultz, the vice-president of Teamsters Union Local 879:

"Should we not continue these programmes to the utmost of our abilities at this stage, we will be certainly faced with power shortages causing brownouts and blackouts to the extent that industry and the people of our province, and the country for that matter, will experience in the near future.

"What we would like to know is whether or not it is cheaper to lay off thousands of construction and industrial workers and feed them on welfare rolls or unemployment insurance, or is it cheaper to employ these workers on the worthwhile, needed energy programmes now under construction and continuing those already slated for construction and/or production."

The third of these responses came from the Electrical and Electronic Manufacturers Association of Canada. I quote again:

"We are totally opposed to this recommendation, which does not recognize the realities of the current energy situation and will inevitably lead to disruption of the On-

tario economy, outward migration of industry and severe unemployment within 15 years.”

And, finally, one from the Canadian Steel Industries Construction Council:

“We are confident that you recognize the serious implications of any action tending to jeopardize the supply of electrical energy, which has been the keystone in the development of Ontario’s industrial economy. At a time when capital investment and employment are sorely needed, concerns of this kind create a most unfortunate deterrent to new investment and expansionary planning.”

Obviously, we have not decided to go back on the directives given to Ontario Hydro in the summer of 1975 and in January of this year. The cuts which have been made and the delays which have been put in place in the system expansion programme, will stand.

We have today put forward an amendment to our amendment—I guess that is really what it amounts to—which reads as follows and would replace recommendations III-23 and III-24:

“That concurrent with Hydro’s load management programme and implementation of specific peak demand reduction targets for each of the next 10 years, Hydro develop a new generation plan which would reduce its planned growth.”

Mr. Speaker, I think the material I have just read into the record from Hydro and from outside groups, both in the union movement and in the industries, perhaps gives you some idea of why we didn’t feel we knew enough, neither on this side of the House nor on the opposite side, nor for that matter at the corner of University and College—

Mr. Moffatt: Just speak for yourself.

Hon. Mr. Timbrell: —to be able to accept the kinds of targets that were outlined in the report of the select committee. We are prepared to accept and have accepted, as has Hydro, that we obviously have to do a great deal of homework in the area of load management. I commend, for instance, what the Scarborough PUC has recommended. The hon. member for Scarborough Centre (Mr. Drea) has mentioned their proposal, about which I will be meeting with representatives, including, I believe, the chairman, Mr. Cavanagh, in the next week or 10 days. This is the kind of thing that we have to know more about—

Mr. Nixon: What is the member for Scarborough Centre smiling about?

Mr. Conway: Let’s hear it for the member for Scarborough Centre. You may get into the cabinet, Frank.

Mr. Drea: Don’t you wish you could?

Hon. Mr. Timbrell: —to be able to come back to the House in the months ahead with some clear indication of the amounts of energy that can be reasonably expected to be controlled through load management.

Mr. Nixon: That’s a good boy, Frank.

Mr. Roy: Frank, I hear that Marvin is going to beat you to the cabinet.

Mr. Nixon: You are going to be Marvin’s parliamentary assistant.

Hon. Mr. Timbrell: There are other factors, of course, than those mentioned in the letters or what I’ve previously said. First of all, there’s the question of load increase. With all due respect to my friend from York South (Mr. MacDonald), I want to correct something that I read in a press release from his office regarding a speech he gave in Barrie the other night. If I read that press release correctly, he was saying that the use of electricity, particularly industrial, was down in Ontario this year. In point of fact, it was up. I read figures into the record earlier that indicate that it now appears in 1976 the use of primary energy will be up 6.8 per cent.

Mr. MacDonald: It was down in June, wasn’t it?

Hon. Mr. Timbrell: I don’t recall the June figures. I’m talking about the whole year. I do know that in September it was up about 10 per cent. So that, in fact, we have to take that into account.

Mr. Roy: You are talking off the cuff now, are you?

Hon. Mr. Timbrell: There is the question of interconnections. I mentioned that we have asked Hydro, and they have followed through, to contact all of the utilities surrounding Ontario and with whom we have interconnections.

Mr. Conway: Marvin, don’t leave Frank.

Hon. Mr. Timbrell: The prospect for more electricity from those jurisdictions—the two provinces and those states—is not promising. I mentioned earlier that the contracts which we have with Manitoba and Quebec run out in 1977 and we have no assurance that we will be able to purchase any electricity

on a firm basis from those jurisdictions after those dates.

Mr. Roy: You were shot down by the National Energy Board the other day.

Hon. Mr. Timbrell: Then there is the question of energy conservation and how successful conservation is going to be in terms of the effort which is intensifying in the province, not only on the part of the provincial government but all local utilities and, I'm pleased to say, many private and public interest groups in the communities across the province.

Finally, there is the question of the availability of other fuels. As I've said so many times before when reviewing electricity matters, we have to put it in the context of the overall energy scene and not view it in isolation from oil, natural gas and coal problems and what the prospects are for the future supplies of those fossil fuels.

Mr. Speaker, I want to correct one thing which the member for Erie (Mr. Haggerty) said. He indicated that the problem as he sees it is due to the fact that the entire Ontario Hydro system is committed to exports. The member has now left the House, but I'll point out to his colleagues or anybody else who perhaps holds that view, that in point of fact we in this province have only one firm power contract for export. It is a 35-megawatt contract in a system which is now about 17,000 or 18,000 megawatts.

It is true that we export power throughout the rest of the year but it is on an interruptible basis. We export it when it is available in our system, when the capacity is surplus to our system, and we sell it for a profit. This has been commended year after year by the Ontario Energy Board in reviewing the Ontario Hydro rate proposal. In fact, as I recall, the select committee in its first report even urged Ontario Hydro to do everything possible to promote the sale of interruptible power—I presume that meant to the Americans as well as to anybody else that we could sell it to, even in Canada—because the profit from that does flow back into the coffers of Ontario Hydro and thereby softens their requirements for borrowing and for current revenues.

Mr. Roy: You are wrong.

Hon. Mr. Timbrell: Mr. Speaker, some members seem to be under the impression—

Mr. Roy: It wasn't correct.

Hon. Mr. Timbrell: The hon. member should read the Energy Board reports of

1975 and 1976 before he says that, okay? I want to read into the record too—

Mr. Roy: On a point of order, Mr. Speaker.

Mr. Deputy Speaker: A point of order? The hon. member for Ottawa East.

Mr. Roy: The minister tried to suggest by some of his comments that we thought the problem was the exports, and I just want to correct the record to show that we don't think that's the problem. We feel that the minister is the problem.

Hon. Mr. Timbrell: Mr. Speaker, the valuable contributions of the member for Ottawa East are always appreciated in this House.

Mr. Drea: He is working for his QC.

Hon. Mr. Timbrell: If he's working for his QC, that's a funny way to go about it.

Mr. Roy: No, I'd have to be a Tory candidate to be a QC.

Hon. Mr. Bennett: Automatic, automatic.

Hon. Mr. Timbrell: Mr. Speaker, I want to read into the record of the House the terms of reference of the royal commission on electric power planning. Mr. Speaker, I have very little time left, unless you'd like me to go past 6 o'clock until I finish.

These are the terms of reference of the commission, commonly known as the Porter commission.

"The royal commission on electric power planning has been empowered and instructed to:

"1. Examine the long-range electric power planning concepts of Ontario Hydro for the period 1983-93 and beyond and to report its findings and recommendations to the government so that an approved framework can be decided upon for Ontario Hydro in planning and implementing the electrical power system in the best interests of the people of Ontario;

2. Inquire comprehensively into Ontario Hydro's long-range planning programme and its relation to provincial planning; to domestic, commercial and industrial utilization of electrical energy; to environmental, energy and socio-economic factors including, but not limited to, matters such as electric load growth, systems reliability, management of heat discharged from generating stations, interconnecting and power-pooling with neighbouring utilities, export policies, economic investment policies, land use, general principles on the siting of generating stations and

transmission corridors, efficient utilization of electrical energy and wise management (conservation) of primary energy resources, power generation technology, security of fuel supplies and operational consideration.

3. Deal primarily with the broader issues relating to electric power planning and thus serve to alleviate the need for re-examination of these issues at subsequent hearings of other hearing bodies on specific details such as siting, rates, etc.

4. Consider and report on a priority basis on the need for a north channel generating station; a second 500 kv line from Bruce; a 500 kv supply to Kitchener; a 500 kv line from Nanticoke to London; a 500 kv line in the Ottawa-Cornwall area; and other projects as may be directed by the Lieutenant Governor in Council."

I should also tell you that the membership of the royal commission is rather broad. We have a physicist, an economist, a journalist, a farmer—and only one engineer.

I offer the terms of reference and these comments on the makeup of the commission in response to some of the comments made earlier that perhaps the government was somehow trying to avoid the nuclear issue. In point of fact, since the royal commission was appointed I have, as have other ministers of the government, made it clear that one of the primary questions to which they must address themselves is this of nuclear power. They also must avail themselves to the people around the province and there's probably no royal commission which has travelled more broadly and into more diverse communities than has the royal commission on electric power planning.

One member suggested that they only listen to experts. The royal commission, it is true, has heard from experts but they are listening to the people. If you would attend any of their hearings—be they in Kingston, in Ottawa, in the far north, in Toronto, in London, in Kitchener, wherever—they are listening to the people.

They advertise broadly and invite individuals as well as organized groups to submit their positions. But not just that—if they have nothing more to submit than a question, a concern, they want to hear those too. But they are listening to the people.

Mr. Warner: Was your speech writer from northwestern Ontario?

Hon. Mr. Timbrell: The concern that was outlined in the earlier position on the question of a nuclear select committee is re-

flected in the amendment put to you today. It is that we would like to see the royal commission finish its work. We would like to see the commission, in an unfettered way, probe deeper into the question of nuclear power as part of the broad question of electrical energy as outlined in section 3 of the terms of reference, and to present to the assembly and to the government a report that embraces all of the factors which come into it.

The member for Timiskaming (Mr. Bain) said that nuclear waste has been dumped in oceans. I take it that he is suggesting that nuclear fuel has been dumped in oceans. If he knows of some I wish he would tell me. I know of no instance where that has ever happened.

He talked about the nuclear waste issue. Unquestionably that's one of the things that Porter has to look at as well. If he would read what he has put out on the question of the review of nuclear power he will see that that is front and centre.

He suggests that Candu reactors are like bombs. If he would read the literature, if he would talk to people like Professor Trainor at the University of Toronto, whom I know very well as my school board trustee and who is a member of your party. He will tell you that that is wrong, that that is impossible.

Mr. Bain: Can you guarantee they will never blow up? You can guarantee that?

Hon. Mr. Timbrell: I guarantee I will finish in about five minutes.

On the question of alternative energy sources and conservation, the hon. member for Erie talked about a position paper of AMPCO. I want to tell him that in the two years that I have been Minister of Energy I have been consistently trying to get out of AMPCO some commitment to conservation and to the greater use of interruptible power. I've had lots of letters from them but at no point have they ever specifically answered my request for a position. Really, when one reads that letter one must put it in the proper context that they have not come forward with any specific recommendations on what can be done.

[6:00]

Then there's the question of James Bay. There again, I have to say that with what I know about the potential for the Albany River, with what I know at this point about the cost associated with getting power out of the Albany River, I could not recommend

to my colleagues in the government that anything be done with it in terms of a hydro-electric development.

The whole question of hydro-electric development, the potential, is in the hands of the royal commission. That is again a specific question to which they must address themselves and advise the government and this assembly. What is the potential? At this point I'm advised that we have tapped every economically feasible hydraulic site in the province of Ontario. At this point in time there is not another site sufficiently large to be useful to the system, sufficiently economic to be considered.

I'm glad the member for Erie has returned on the question of exports, because we were interrupted by a frivolous interjection by a member from Ottawa. I want to repeat, now that he's back in the House, that the export of power is not one of the underlying principles or goals of the expansion of the Ontario Hydro system. It is not now; it has never been; it will never be. We do export power but on an interruptible basis.

Mr. Haggerty: They are competing with Hydro-Québec.

Hon. Mr. Timbrell: I want to put into the record some figures. There has been some discussion which has been perhaps a little bit off target.

Mr. Roy: Why don't you table them? They are not very interesting.

Hon. Mr. Timbrell: People have been comparing the various fuels which are used to generate electricity and the cost of them. I want to read into the record the cost figures for four sources of electricity, namely uranium, coal, oil and gas. This includes all capital costs.

At Pickering the cost of power is eight mills. At Lansing, which is coal, the cost of power is 13 mills. At Lennox, which is oil and one of the newest plants in the system, the cost of power is 15 mills. At Hearn, which is one of the older plants and which is natural gas, the cost of power is 16 mills.

Mr. Haggerty: Give us the cost of the Adam Beck station.

Hon. Mr. Timbrell: These are the kinds of things I think we have to consider along with the other issues of safety, the waste problem and everything that goes into the nuclear question.

Interjection.

Hon. Mr. Timbrell: Mr. Speaker, to conclude, a great deal—

Mr. Conway: Here comes the judge.

An hon. member: He is right.

Hon. Mr. Timbrell: —has been said about the first recommendation of the select committee which, for the benefit of the House, I'll reread: "The Ontario government develop and clearly articulate government policy towards Ontario Hydro."

I think if we look at the 70-year history of Ontario Hydro this really has been taken as given by the various governments which have, first of all, established and then worked with and related to Ontario Hydro for these past 70 years.

Hydro has gone through several eras. First there was the Sir Adam Beck era until his death in 1926 I think. I can't remember the name of the next chairman but through the years of the 1930s, of the problems with the contracts with Quebec, and finally in the—

Hon. Mr. Davis: Don't overlook the vice-chairman.

Hon. Mr. Timbrell: I was coming to you. Finally in the 1940s there were the decisions of the provincial government to go through a programme of rural electrification and, following on that, the decision to convert to 60-cycle power in the province. Hydro has seen a number of eras in its history.

If we are not into a new era we are entering one with the new demands on Ontario Hydro; with the capital crunch, as my friend from York South likes to call it; with the demand from society indeed from government, that more be done to control demand and not just concentrate on supply. Hydro is entering a new era.

Last week my friend from Carleton (Ms. Gigantes) talked about the need to rattle Ontario Hydro. I hope that when she has a chance to read in Hansard the letter from the chairman of Hydro she will realize that isn't necessary. We have in the person of the chairman of Hydro, in the persons of the board of Hydro and in the senior management—some of whom are in the House today in the Speaker's gallery—some of the finest people in the electrical utility business in North America. They will and they do respond to government directive.

Hon. Mr. Davis: It is the envy of every public utility in North America.

Mr. Roy: You are funny.

Hon Mr. Timbrell: Under The Power Corporation Act, there are about 24 or 25 categories of activity of Ontario Hydro for which they must come to government for permission. These include, of course, borrowing and capital works and a number of others.

Mr. Speaker, if you consider the changes in The Power Corporation Act in the last three years, if you consider, sir, the introduction of The Ministry of Energy Act, if you consider the amendments to The Ontario Energy Board Act with the provisions for rate review, then you will see, sir, that what we have done is to bring Ontario Hydro into this new era.

I would say to the member for York South that the work that has been done by his select committee has been unquestionably invaluable, invaluable in airing a number of issues and in assisting Hydro and the government in establishing what this new direction is going to be.

I want also, Mr. Speaker, if I may, to table today with you the submission made by my ministry to the royal commission in July, 1976, that deals with the relationship of Hydro to government, and clearly sets out who is responsible for what, and what are the processes for development of new policy direction.

Mr. Conway: Have you read Nelles?

Hon. Mr. Timbrell: Yes, I have as a matter of fact. Not a bad book; a little out of date, but not a bad book.

Mr. Conway: How about the conclusion?

Mr. Roy: Give us a prepared statement on that.

Mr. Deputy Speaker: Order, please. We are into overtime now. Will you allow the minister to complete his remarks?

Hon. Mr. Timbrell: Thank you, Mr. Speaker. I want to, in conclusion, thank again the select committee but also to thank my staff in the Ministry of Energy—

Mr. Roy: Yes, I think you should too. You haven't said one original word all evening.

Hon. Mr. Timbrell: —who have worked so diligently in following up, not only during the time of the life of the select committee—

Interjection.

Hon. Mr. Timbrell: —but since the select committee stood down, in assisting me in developing the responses to the recommendations of the—

Mr. Deputy Speaker: Will the members from the Ottawa region stop being mischievous?

Hon. Mr. Timbrell: Well said, Mr. Speaker, well said.

Mr. Drea: Don't splutter, Albert, speak.

Mr. Roy: You are much too restrictive in scope there, Mr. Speaker.

Hon. Mr. Timbrell: Mr. Speaker, I want to just perhaps say this—that I look forward to the next year or two working with the—

Mr. Conway: I bet.

Hon. Mr. Timbrell: Yes, I do, as a matter of fact.

Hon. Mr. Davis: As Minister of Energy too.

Hon. Mr. Timbrell: And I will tell you something. I will tell you something. In a couple of years' time, I will even get you a ticket for the Speaker's gallery. I will be glad to do it for you because it is going to be—

Mr. Conway: You are going to have to be modern if you want to advance.

Hon. Mr. Timbrell: —an exciting time.

Mr. Deputy Speaker: Order, please. Will the minister address his remarks through the Chair and ignore the interjections?

Hon. Mr. Timbrell: Mr. Speaker, I will come to you to get the ticket for him for your gallery. I want to say this, Mr. Speaker, that the next couple of years in the energy field are going to be even more exciting than those we have just come through. There is so much changing in the area of energy policy, not just electricity but all forms of energy. The demand for conservation; the demand for load-growth control—whatever euphemism you want to use; the demands on members of this House, not just on whoever happens to be Minister of Energy, are going to be tremendous—in setting examples and giving leadership in every community of this province. This is a good beginning. I look forward to working with it even more.

Resolution as amended, concurred in.

Hon. Mr. Welch: Mr. Speaker, before moving the adjournment of the House, I would indicate that we are meeting tomorrow afternoon, and we will engage in some more budget debate.

On motion by Hon. Mr. Welch, the House adjourned at 6:10 p.m.

CONTENTS

Tuesday, November 9, 1976

Municipal voters' lists, statement by Mr. Meen	4541
Domtar mill closing, questions of B. Stephenson: Mr. Lewis, Mr. Reed	4542
Reforestation programme, questions of Mr. Bernier: Mr. Lewis, Mr. MacDonald, Mr. Foulds	4542
Winter works projects, questions of Mr. Davis: Mr. Lewis, Ms. Bryden	4543
United Asbestos plant, questions of Mr. Bernier: Mr. Lewis, Mr. Bain	4543
Linguistic rights, questions of B. Stephenson: Mr. Breithaupt, Mr. Laughren, Mr. di Santo	4544
Death of Inco worker, questions of Mr. Bernier: Mr. Breithaupt, Mr. Laughren	4545
Intermediate capacity transport system, questions of Mr. Snow: Mr. Breithaupt, Mr. Roy	4545
Textile employment, questions of Mr. Bennett: Mr. Samis, Mr. McKessock	4545
Bus decal programme, questions of Mr. Snow: Mr. Peterson, Mr. Roy	4546
Ice storm damage, question of Mr. Snow: Mr. Ruston	4547
Ontario Hydro suspensions, questions of Mr. Timbrell: Mr. Bain	4548
Removal of textbooks, question of Mr. Wells: Mr. Givens	4548
University enrolment data, questions of Mr. Parrott: Ms. Sandeman, Mr. Lewis	4549
Townsend site, questions of Mr. Rhodes: Mr. Nixon, Mr. Makarchuk, Mr. G. I. Miller ..	4549
CNR transfer, question of Mr. Snow: Mr. Philip	4550
OHIP dental benefits, questions of Mr. F. S. Miller: Mr. Foulds	4550
Company relocations, question of Mr. Bennett: Mr. McKessock	4551
Industrial development, questions of Mr. Bennett: Mr. Breaugh, Mr. Moffatt	4551
Summer employment for students, questions of Mr. Parrott: Mr. S. Smith	4551
Racial attack, question of Mr. McMurtry: Mr. S. Smith	4552
Report, Ministry of Environment, Mr. Kerr	4553
Report, Algonquin Forestry Authority, Mr. Bernier	4553
Motor Vehicle Accident Claims Amendment Act, removed from order paper	4553
Tabling answer to question 141 on order paper, Mr. Welch	4553
Re resolution 8 re select committee report on Hydro rates, Mr. Timbrell, Ms. Gigantes, Mr. Reed, Mr. Lane, Mr. Renwick, Mr. Peterson, Mr. Drea, Mr. MacDonald, Mr. Eakins, Mr. Bain, Mr. Haggerty, Mr. Conway	4553
Resolution concurred in	4588
Motion to adjourn, Mr. Welch, agreed to	4588

SPEAKERS IN THIS ISSUE

Bain, R. (Timiskaming NDP)
 Bennett, Hon. C.; Minister of Industry and Tourism (Ottawa South PC)
 Bernier, Hon. L.; Minister of Natural Resources (Kenora PC)
 Breagh, M. (Oshawa NDP)
 Breithaupt, J. R. (Kitchener L)
 Bryden, M. (Beaches-Woodbine NDP)
 Conway, S. (Renfrew North L)
 Davis, Hon. W. G.; Premier (Brampton PC)
 di Santo, O. (Downsview NDP)
 Drea, F. (Scarborough Centre PC)
 Eakins, J. (Victoria-Haliburton L)
 Foulds, J. F. (Port Arthur NDP)
 Gigantes, E. (Carleton East NDP)
 Givens, P. G. (Armourdale L)
 Grossman, L. (St. Andrew-St. Patrick PC)
 Haggerty, R. (Erie L)
 Handleman, Hon. S. B.; Minister of Consumer and Commercial Relations (Carleton PC)
 Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
 Kerrio, V. (Niagara Falls L)
 Lane, J. (Algoma-Manitoulin PC)
 Laughren, F. (Nickel Belt NDP)
 Lewis, S.; Leader of the Opposition (Scarborough West NDP)
 MacDonald, D. C. (York South NDP)
 Makarchuk, M. (Brantford NDP)
 Mancini, R. (Essex South L)
 McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental Affairs
 (Chatham-Kent PC)
 McKessock, R. (Grey L)
 McMurtry, Hon. R.; Attorney General (Eglinton PC)
 Meen, Hon. A. K.; Minister of Revenue (York East PC)
 Miller, Hon. F. S.; Minister of Health (Muskoka PC)
 Miller, G. I. (Haldimand-Norfolk L)
 Moffatt, D. (Durham East NDP)
 Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
 Parrott, Hon. H. C.; Minister of Colleges and Universities (Oxford PC)
 Peterson, D. (London Centre L)
 Reed, J. (Halton-Burlington L)
 Renwick, J. A. (Riverdale NDP)
 Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
 Rowe, Hon. R. D.; Speaker (Northumberland PC)
 Roy, A. J. (Ottawa East L)
 Ruston, R. F. (Essex North L)
 Samis, G. (Cornwall NDP)
 Sandeman, G. (Peterborough NDP)
 Sargent, E. (Grey-Bruce L)
 Shore, M. (London North PC)
 Singer, V. M. (Wilson Heights L)
 Smith, G. E.; Acting Speaker (Simcoe East PC)
 Smith, R. S. (Nipissing L)
 Smith, S. (Hamilton West L)
 Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
 Stephenson, Hon. B.; Minister of Labour (York Mills PC)
 Stokes, J. E.; Deputy Speaker (Lake Nipigon NDP)
 Timbrell, Hon. D. R.; Minister of Energy (Don Mills PC)
 Warner, D. (Scarborough-Ellesmere NDP)
 Welch, Hon. R.; Minister of Culture and Recreation (Brock PC)
 Wells, Hon. T. L.; Minister of Education (Scarborough North PC)



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Third Session of the 30th Parliament

Wednesday, November 10, 1976

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. (Phone 965-2159)

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LEGISLATURE OF ONTARIO

WEDNESDAY, NOVEMBER 10, 1976

The House met at 2 p.m.

Prayers.

Mr. Speaker: Statements by the ministry.

REPORT ON NAME CHANGES

Hon. Mr. McMurtry: Mr. Speaker, I am pleased to present to the House today the report of the Ontario Law Reform Commission on changes of name.

As the commission states, "few things in life are as personal or as significant as one's name." The commission has endeavoured to suggest practical reforms for the provincial law concerning names and changing names, shaping the law to bring it into greater harmony with the values and needs of contemporary Ontario. Indeed, the recommendations of the commission are in large part based on the responses to a study paper widely circulated to the public by the commission.

The recommendations of the commission have two major thrusts. The first, which is perhaps of greatest interest, is directed toward the delicate issues of taking a name at marriage and naming children at birth. With respect to taking a name at marriage the basic recommendation is that upon marriage each spouse may choose a surname which may be the person's own surname before marriage or the surname of the person's spouse alone or a hyphenated combination of both surnames.

Mr. Renwick: In what order?

Hon. Mr. McMurtry: With respect to naming children at birth the commission recommends that a married couple—

Mr. Cassidy: Why limit the alternatives?

Hon. Mr. McMurtry: —should be able to give their children the husband's surname or the wife's surname or a hyphenated combination of each spouse's surname.

The second major thrust of the report is directed toward simplifying the procedures necessary to effect the change of name if so desired.

Mr. Gaunt: Just call it the Joe Clark amendment.

Hon. Mr. McMurtry: The Ontario Law Reform Commission recommends that where a spouse at some time later wishes to change the surname which was chosen upon marriage, that spouse should be able to do so simply by registering the change without a formal application to court. Where it is still necessary to apply to the court for a change of name, the commission recommends that the procedures be simplified, made more informal and less expensive. For example, the commission proposes that the change of name applications be heard in the provincial court, the family division thereof; that a formal hearing need not be held in all cases; that the number of documents filed be greatly reduced; and advertising the change of name be required only in exceptional cases.

I assure you that my colleagues and I will give this report the serious consideration it deserves.

EXPROPRIATION ORDER

Hon. Mr. McMurtry: Mr. Speaker, on October 20, 1976, the Lieutenant Governor in Council directed, by an order in council, the expropriation of certain properties made pursuant to section 6(3) of The Expropriations Act.

Under section 6(5) of the same Act, the Attorney General is required, within 30 days after the commencement of each session of the legislative assembly, to lay before the assembly a copy of each order made theretofore under subsection (3).

Pursuant to this subsection, I will now table the only order in council passed prior to this session of the House.

ROYAL AGRICULTURAL WINTER FAIR

Hon. W. Newman: Mr. Speaker, I want to remind the House that the Royal Agricultural Winter Fair opens Friday, November 12, at Exhibition Place and runs until Saturday, November 20.

Mr. Peterson: What class are you in?

Mr. Cunningham: Do you have a booth?

Hon. W. Newman: Be careful now.

The Royal has grown bigger and better every year since 1922. It is not only rural Ontario's most prestigious annual judging event but also a truly national show window for the best in agriculture across Canada. The 27 acres of exhibits range from championship livestock through flower shows to the cream of all our farm crops.

I hope all members will attend the fair at least once to brush up on some of the finer points of agriculture and see why our farmers have earned world-wide esteem for raising everything from Aberdeen Angus to zucchini.

An hon. member: Do you have a recipe?

Hon. W. Newman: If I'm not in the Legislature every day next week, you'll know where to find me, Mr. Speaker. I'll see you at the Royal.

Interjections.

Mr. Speaker: Order.

Mr. Eaton: You fellows want to go down there; you might learn something.

Mr. Speaker: Oral questions.

PUBLIC HEALTH NURSES

Mr. Deans: Mr. Speaker, I have a question for the Minister of Labour. Can the Minister of Labour indicate whether there have been any negotiations commenced between the public health boards and the nurses' association after the most generous offer of the Minister of Health (Mr. F. S. Miller) last week?

Hon. B. Stephenson: Mr. Speaker, I am not sure that up to this date negotiations have recommenced in any situation but on the day the announcement was made by my colleague, the Minister of Health, the director of conciliation and mediation services in the ministry immediately contacted both parties to make them aware again of our willingness—indeed, our eagerness—to assist them to come to an agreed upon settlement which we felt was now particularly possible in the light of the improvements announced by the Minister of Health.

Mr. Deans: Thank you. I wonder if I can ask the Premier in regard to this same matter: Is the Premier now in a position to contact the public health boards, given that his government has made the money available to effect what may or may not be an

acceptable settlement but never more than was on the table previously? Is he prepared to talk to the public health boards and to suggest to them that since two weeks will have passed by next Monday, after the holiday, they have a responsibility to sit down to attempt to find a resolution to this very difficult problem?

Hon. Mr. Davis: Mr. Speaker, as I said some few days ago, prior to the Minister of Health enunciating very clearly the position of the government, I would not reject this possibility. I would like to see, in the next week or so, if some of these matters cannot be resolved and I would be delighted to comment in the House later on next week.

Mr. Deans: May I ask—the Premier says he would like to see it resolved in the next week or so and he's going to comment next week—what is he going to comment on next week that will have occurred if he's going to wait a week or so for it to happen?

Hon. Mr. Davis: Mr. Speaker, I would comment on the suggestion of the acting Leader of the Opposition, it is a question as to whether or not a meeting of the boards with me would serve any useful purpose.

MANPOWER POLICY

Mr. Deans: I have another question for the Minister of Labour in her capacity as the minister in charge of manpower policy. Would she be able to tell the House today what wide range of policies have come forth from her ministry as a result of her responsibilities for manpower policy which might be applicable, given the increasing and rising unemployment figures in the province of Ontario?

Hon. B. Stephenson: No, Mr. Speaker, I would not be prepared to make that statement today. That programme is in the process of being developed actively within the Ontario Manpower Co-ordinating Committee. I'm sure that as soon as the deliberations are completed I will be making that statement.

Mr. Deans: Would the minister agree with me that there has been a minister in charge of manpower policy now for at least three years and to this date not one single policy statement has come forth with regard to the creation of jobs? Is there a job, any job, in the province of Ontario which the minister can identify as having come about as a result of the manpower policy efforts?

Mr. Breithaupt: Just the minister's.

Hon. B. Stephenson: Mr. Speaker, I'm sure the hon. member opposite is presenting his point of view very clearly. I shall verify that as a result of going through the past deliberations of that committee. I have not been responsible for it for that length of time—

Mr. Deans: No, but there has been—

Hon. B. Stephenson: —but the development of that policy is part of the programme of the committee this year.

Mr. Deans: A final supplementary: Does the minister anticipate that there may be some kind of policy statement emanating from the ministry some time before the end of this year to show what we could expect in the way of initiatives from the government with regard to the creation of much-needed jobs, whether in the private or the public sector, in the province of Ontario?

Hon. Mr. Rhodes: Northwestern Ontario too?

Hon. B. Stephenson: Mr. Speaker, there has been a good deal of encouragement on the part of this government within the private sector toward the development of employment opportunities in the province.

Mr. Deans: Tell me about them.

Hon. B. Stephenson: I will try, hopefully before the end of this year, to present the policy position as developed by the Ontario Manpower Co-ordinating Committee.

TEACHER'S PENSION

Mr. Deans: I have a question of the Minister of Education. Is the Minister of Education aware of the situation with regard to Mrs. Merle Shepley and the difficulty she had over the receipt of her pension, which appears to be a miscarriage of justice? Would the minister be prepared to intervene personally to assure this lady that her pension will be paid?

Hon. Mr. Wells: Mr. Speaker, I am aware of this case and I am presently studying it. I'm not prepared to say what the remedy should be in this case, except to point out that as far as I can ascertain at this minute all the provisions of The Teachers' Superannuation Act and the regulations for which the superannuation commission is given the responsibility of administering were carried out in this particular case. It may be that if

any remedy is to be effected, changes in the Act or regulations would have to be made.

That's presently what I'm looking at and I'm not prepared to say what we will do in this case at this time.

Mr. Deans: By way of supplementary, would the minister agree that since he has reviewed the case, at least to some extent, that it's a pretty large penalty to pay for one very small mistake or misunderstanding of the regulations?

Hon. Mr. Wells: I'd like to have my friend look at all the information before I agree to what he's said and before he arrives at that conclusion.

RENT REVIEW

Mr. Deans: I have one final question for the Minister of Consumer and Commercial Relations: Am I to assume that it would not be the minister's wish that there be a further large number of applications before the rent review commission if it were unnecessary and would therefore cause delays in the administration?

Hon. Mr. Handleman: Mr. Speaker, I don't quite follow the hon. member's question. Perhaps he'd rephrase it.

Mr. Deans: Let me try it again. Would the minister agree with me that it would be in the best interests of everyone if the law were clarified with regard to the termination date of the legislation, with the effects now being felt and the pressure now being put on by certain landlords in an attempt to get six-month leases or less, which will terminate at the end of July next year?

Hon. Mr. Handleman: Mr. Speaker, first of all the termination date is in the legislation. It's as clear as it could possibly be.

Mr. Deans: Not in this one.

[2:15]

Hon. Mr. Handleman: I can state it again—it's July 31, 1977. The amendments which were brought in earlier this year indicate quite clearly that any increase of eight per cent or more authorized by a rent review officer has status for 12 months from the time the rent review officer issues his order, or from the time there is a voluntary acceptance on the part of the tenant if it's an eight per cent rent increase. Six-month leases would have no status whatsoever regardless of the future of the Act, simply because the order extends for 12 months.

Mr. Deans: By way of a supplementary question, that's not what the regulation says, and that's what worries me. The regulation deals only, as I understand it, with orders of the—

Mr. Speaker: Is there a question?

Mr. Deans: Am I correct in my understanding that the regulation deals only with orders of the rent review officer?

Hon. Mr. Handleman: No, Mr. Speaker, that's not correct. The amendments which were brought in this year—not the original legislation but new amendments—make it quite clear that there is one increase in any 12-month period, regardless of the status or length of the lease.

Mr. Cassidy: Does the minister not agree there is need for clarification when landlords are clearly intending to raise their rents by eight per cent now and then eight per cent after July 31, when the rent review commission will no longer exist in order to give protection to the tenants? What protection does the government intend to offer and how soon does the government intend to announce its intentions about the extension of rent review?

Hon. Mr. Handleman: Mr. Speaker, first of all, I don't know how much clearer it could be, and I have just clarified it. I don't know that any further protection is needed. Nobody can increase their rent eight per cent now and eight per cent six months from now. The Act does not permit it. That's where the protection lies.

As I responded to the hon. member's leader previously, when there is going to be any announcement as to government policy with regard to the future of the rent programme, it will be made in the usual way.

Mr. Cassidy: After July 31 next year, who will protect the tenants when they face another rent increase and there's no rent review officer around to help them?

Hon. Mr. Davis: Not you, Mike.

Mr. Hodgson: They are going to raise your rent, Mike.

Hon. Mr. Handleman: Mr. Speaker, the law will protect the tenants.

LAND SPECULATION TAX EXEMPTION

Mr. S. Smith: Mr. Speaker, a question for the Minister of Revenue: Can the minister explain to the House what the reason was

for the order in council which exempted Ronto Investments from having to pay land speculation tax on a deal where, it's my understanding, they made a very rapid profit of \$10 million on land which they bought from a farmer and sold to Wimpey Homes without having made any improvement on the land other than a plan of subdivision? What is the reason for this order in council exempting them from that land speculation tax?

Hon. Mr. Meen: Mr. Speaker, that was made some months ago. I'll have to refresh my memory on it and I'll report back to the House in due course.

Mr. Cassidy: You'd better make up a good one.

Mr. S. Smith: By way of supplementary, would the minister not agree that on the face of it his original explanation, which was that Wimpey would build homes, has no application at all since it's not Wimpey that was exempted from the tax but rather the middle man?

Hon. Mr. Meen: No, I won't agree with that, Mr. Speaker. The whole situation is quite complex and it involves quite a number of facets, and I think the House deserves a more complete report than I would be able to give in an off-the-cuff answer to the hon. member at the moment.

CORE CURRICULUM

Mr. S. Smith: A question of the Minister of Education: Now that a memorandum from his ministry confirms that the core curriculum changes, however modest they might be, are not in fact going to take place except for students who enter the system starting next year, can the minister explain why those students presently in the system will not receive the benefit of this same modest improvement?

Hon. Mr. Wells: Mr. Speaker, of course, the students within the system are receiving a very excellent programme now.

Hon. Mr. Davis: Hear, hear.

Hon. Mr. Wells: To suggest there's something wrong with the programme that's going on now begs the question.

Hon. Mr. Davis: Ask the member for Kitchener-Wilmot (Mr. Sweeney); he helped with it.

Hon. Mr. Wells: The fact really remains that, as I'm sure the hon. member has

preached many times on the platform in this House—

Mr. Nixon: You were converted, you were converted.

Hon. Mr. Wells: —and many others have, it's a little unfair to change the rules on people halfway through the game—

Mr. Conway: Especially when they can't read.

Hon. Mr. Wells: And on reflection it was felt that students who began school should have the requirements for their diploma as they were when they entered school.

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Wells: I might tell my friend, because he tends to miss some of the significant things of our programme, which has only incidentally been partially unfolded as yet and which will have much more substance—

Mr. S. Smith: How much can you do in one day?

Mr. Breithaupt: It is about time.

Hon. Mr. Wells: —and credibility than the document that I read from the Liberal Party—

Mr. Eakins: You were converted on a day's notice.

Hon. Mr. Wells: —which is a very weak document indeed.

An hon. member: You must have written it yourself.

Mr. S. Smith: What you took out of it was weak.

Hon. Mr. Wells: The key is not only the core subjects that will be taken but the institution of a core curriculum in subjects that are being taken. This, of course, will benefit those students presently in school and operating under the old regulations until they finish their graduation, as well as those who begin school next September.

Mr. S. Smith: By way of supplementary, could the minister explain to me, if something is of sufficient substance to issue a memorandum outlining the credits that will be required starting next year, if the thing is worth doing at all why the present students are not given the same benefit?

Hon. Mr. Davis: Wait till you get some children in the system. You will find out just how complicated it is.

Mr. Peterson: That is because you made it complicated.

Mr. S. Smith: Why is it that the students presently in school would, in fact, find themselves possibly without these basic subjects?

What harm could possibly be done by asking them to take these subjects now? At least phase it in. What harm could be done?

Hon. Mr. Wells: Mr. Speaker, I will tell you this is a fact, and I will guarantee it, that no harm is being done. I have repeated these figures time and time again, and the former Leader of the Opposition—

Mr. Bain: The former official opposition.

Hon. Mr. Davis: —who had far more knowledge.

Mr. S. Smith: Can we revert to statements?

Hon. Mr. Wells: —really continues to not believe these subjects. If he reads the statement he'll know we are instituting the core programme because we want to take no chances.

Mr. S. Smith: Why take chances with the ones who are there now?

Hon. Mr. Wells: I want to tell my friend that 100 per cent of the people in grades nine and 10 at the present time are taking English, 100 per cent are taking mathematics—

Mr. S. Smith: They may take it but they can't spell it.

Hon. Mr. Wells: —89 per cent are taking science and over 60 per cent are taking geography at the present time.

Interjections.

Hon. Mr. Davis: You are being hard on the teachers, you know.

Hon. Mr. Wells: So that really, to suggest that by not making these rules apply to those in the system, is a very fatuous argument. I think he can come up with something a little more constructive than that.

Mr. Speaker: Order, please. I am going to point out that the interjections have not added to the tenor of the question and answer period and—

Mr. S. Smith: Point that out to the Premier as well, Mr. Speaker.

Mr. Speaker: Order, please. We request that they be kept to a minimum of zero, please.

Hon. Mr. Davis: Is there something less than that?

Mr. Speaker: I hope so. The hon. member for Kitchener-Wilmot with a supplementary.

Mr. Sweeney: We appreciate the fact that 100 per cent of the grade nine and 10 students are taking English, but the question is are they taking the kind of English that the minister had to define in his press release of Oct. 6? That's the sincere question.

An hon. member: Right on.

Hon. Mr. Wells: Mr. Speaker, my friend needs a course in listening, because just about two minutes ago—

Mr. Kerrio: You need a course in teaching.

An hon. member: No, in English.

An hon. member: Do you really know what you are doing over there?

Mr. Speaker: Order, please.

Hon. Mr. Wells: —I said the other most important part of our statement was the institution of a core in the programmes that will be taught. The students presently in the system taking English will be the beneficiaries of that kind of reinstitution of something into the system—

Mr. S. Smith: Oh, you are changing the rules in the middle.

Hon. Mr. Wells: —just as the new ones, because that kind of core will be present in the courses that those people will be taking also.

Mr. Nixon: He is a kind of ageing Dennis Timbrell.

Hon. Mr. Wells: I can't believe that the hon. member wants to change the rules for kids already in school insofar as their requirements for their diplomas.

Mr. S. Smith: Can't have it both ways.

Hon. Mr. Davis: That is what you think.

Mr. Ferris: Supplementary: Could the minister state to us, because there seems to be some confusion among the people who are administering the system, if in fact there are

core curriculum courses and if students do not pass them, will they still qualify for their high school diploma or will there be any degradation or change in what is actually given to recognize what that degree is?

Hon. Mr. Wells: No; that is a rather silly question because—

Mr. Breithaupt: Try to answer it.

Mr. Speaker: Order, please.

Hon. Mr. Wells: It's a rather silly question because certainly if there are requirements for their graduation diplomas, certainly they have to pass them. Where did the hon. member ever get the idea that they didn't?

Mr. Breithaupt: They don't have to pass them; they just have to grow through them.

Mr. S. Smith: Where did we get that idea? Oh, my goodness.

U.S. VISITORS TO ONTARIO

Mr. S. Smith: A question of the Minister of Industry and Tourism: Is the minister aware of the decline in the number of visitors to Ontario from the United States, which this year declined by 11.2 per cent? And before he tells me it is due to the bicentennial, is he aware that this is a trend which has now gone on for three years? If he is aware of that, what action is his ministry planning to reverse that trend?

Hon. Mr. Bennett: Mr. Speaker, yes, I think I have admitted on more than one occasion that we are aware of the fact there has been a downtrend in the number of tourists coming from the United States into Canada. That is a general situation, not only in the province of Ontario but indeed in all 10 provinces, with Ontario likely having the smallest decrease in that tourist traffic.

We continue to try to boost the American market with better advertising and advertising located in the markets which we think have the greatest potential for us. Later on, early in the month of December, we shall be meeting again with the federal authorities to discuss their advertising programme in the United States and how we can co-ordinate the provincial advertising programmes, by which we hope we will be able to secure a greater percentage of American flow back into this country. While we admit there were some shortcomings in the marketplace this current year, we believe there's a potential for getting it back to Canada.

Mr. Peterson: Have you thought of a change of government to attract tourists?

Mr. S. Smith: By way of supplementary, can the minister confirm that the executive director within his ministry has been assisting in petitioning the Treasurer's (Mr. McKeough) office for special consideration with regard to the tourist industry; and can he tell us whether he's had any success?

Hon. Mr. Bennett: Yes, we have had a great deal of success in dealing with the Treasurer—

Mr. Peterson: You are the only ones.

Hon. Mr. Bennett: —because when we indicated to him the trend of the tourist market in the current year and that we felt there was some need for special advertising programmes, particularly in the northern United States—

Mr. Conway: Is your picture still on Times Square?

Hon. Mr. Bennett: —I would say that my colleagues in cabinet, including the Treasurer, agreed with the extra allocation of funds that would allow us to run a special programme, which has turned the percentage upwards.

Mr. Breithaupt: Visit Chatham.

Mr. Samis: Supplementary: Since one of the major complaints of American tourists seems to be the excessive cost of gasoline, and since Highway 401 is one of the major routes for tourists in Ontario—

Mr. Breithaupt: It is a Jack Spence question.

Mr. Samis: —can the minister tell us what pressure he has exercised on his colleague to try to do something about that situation?

Mr. Breithaupt: Talk to the member for Kent-Elgin (Mr. Spence).

Hon. Mr. Bennett: Yes, it is with great pleasure that I say to the House we have had a tremendous amount of success in dealing with the Minister of Transportation and Communications (Mr. Snow) and in the renegotiation of the contracts with the major oil companies along Highway 401 and the major highways coming in from the United States.

But let me remind this House, particularly the third party, that their friends in Ottawa added 10 cents per gallon to the cost of gasoline, which was another deterrent to the tourist industry.

Hon. Mr. Davis: Your friends.

Mr. S. Smith: Your tax is 19 cents.

Mr. Nixon: You are setting a new record.
Interjections.

Mr. Speaker: Order, please. Let's get on with the question period.

Mr. Yakabuski: Supplementary: The minister, in answering the original question, mentioned there was consultation going on with Ottawa with regard to tourist promotion in this province. Is he aware that in a recent ski magazine, which outlined various skiing locations in Canada, mainly in the province of Quebec—but I might mention that Muskoka was mentioned too—Calabogie Peaks, only 60 miles from the capital, was not mentioned in that ad whatsoever?

Mr. Nixon: Is that near Killaloe?

Some hon. members: Shame!

Mr. Breithaupt: Resign. Resign!

Mr. Cassidy: You are losing eastern Ontario.

An hon. member: Is there no answer? Apparently there is no answer.

Mr. Speaker: Order, please.

COMPULSORY STERILIZATION OF FEMALE EMPLOYEES

Mr. Breaugh: Mr. Speaker, I have a question of the Minister of Health. Now that the Ontario Human Rights Commission has made the rather shocking recommendation to the Minister of Labour that the compulsory sterilization of female employees is probably legal in Ontario—

Hon. B. Stephenson: What?

Mr. Breaugh: —what will he do in response to the letter that was sent to him on October 27 by Mr. Symons, the chairman of the Ontario Human Rights Commission? It says:

"The commissioners were alarmed by the medical evidence, which appeared to be confirmed in virtually all the literature examined on the subject, that exposure to quantities of lead oxide emissions could lead to fetal injury. Moreover, medical evidence appeared to indicate that injury to the fetus may be brought about when either the father or the mother is exposed to these conditions, either directly or indirectly—by exposure, for

example, to the clothing or personal effects of those working in such conditions—”

Mr. Speaker: I believe the hon. member has read enough of it to identify the letter. Is there a question?

[2:30]

Hon. B. Stephenson: On a point of personal privilege, the statement made initially by the hon. member for Oshawa is an interpretation, I would gather, of the documents released by the Human Rights Commission. It does not in any way support the concept of compulsory sterilization and I think that statement should be withdrawn immediately.

Mr. Breaugh: Excuse me, Mr. Speaker, the question was directed to the Minister of Health.

Hon. F. S. Miller: I am not able to answer it in any detail. I know the matter has been under study ever since the battery plant was discussed in the spring and until I see the results I don't want to comment.

Mr. Breaugh: A supplementary: Is it the usual procedure for the Human Rights Commission to refer things to the minister's office?

Hon. F. S. Miller: I don't think it's usual. I think it's the first time.

FARM INCOME STABILIZATION PLAN

Mr. Riddell: Mr. Speaker, a question to the Minister of Agriculture and Food—

Mr. Sweeney: Get the broom out.

Mr. Riddell: Due to the fact that there's obvious confusion over the meaning of actual costs of production or cash costs in Bill 131, could the minister indicate to me what items will be included under cash costs? Will they include such things as hired labour costs and interest on operating capital, which we feel is most essential?

Mr. Speaker: Order, please. This bill is on the order paper for debate—order, please. We don't want to get into a lengthy question and answer because it's an item—order, please—which will be called for consideration, I presume, in the near future. Does the minister have a short answer, however?

Hon. W. Newman: Do you want a short answer, Mr. Speaker? The answer is yes to both parts. They are included in the cash

costs and I can give the member a list of what's included in the cash costs if he likes.

Mr. Lewis: Yes, read the list.

Mr. S. Smith: It is very important.

Hon. W. Newman: All right. I will give members the short form: taxes and drainage; seed and seed treatment; fertilizer; sprays; tractor and machinery—that's operating costs—crop insurance; hired labour; interest on operating capital.

Hon. Mr. Davis: If the member had done his homework, he would have had no problems yesterday, but he didn't do it.

OTTAWA JOURNAL LOCKOUT

Mr. Cassidy: I have a question for the Minister of Labour, Mr. Speaker.

Interjections.

Mr. Speaker: The hon. member for Ottawa Centre only. Order, please.

Mr. Cassidy: A question to the Minister of Labour, Mr. Speaker: Can the minister report on the lockout situation at the Ottawa Journal and what the ministry or the government is doing to try to bring about a settlement?

Hon. B. Stephenson: Yes, Mr. Speaker. The hon. member knows, because I discussed it with him as late as the end of last week, that the Ministry of Labour is actively involved in attempting to bring the two parties together in this situation.

Mr. Cassidy: A supplementary: Can the minister explain why neither the union nor the management appears to be aware of any direct contacts between them and Mr. Scott, or other people in the ministry, on a regular basis since the lockout began almost two weeks ago?

Hon. B. Stephenson: I find that an interesting comment. I really wonder from where the information came to the hon. member. I shall try to find out the source of the statement he's made.

Mr. Cassidy: Is the minister aware that the Journal has announced today that it intends to resume negotiations with the pressmen, stereotypers and mailers and has therefore clearly stated its intention to try to break the ITU and leave 85 printers out on the street? Does the minister consider that is good-faith bargaining?

Hon. B. Stephenson: I was not aware that the Ottawa Journal had made that statement and I would remind the hon. member that the union has the opportunity to lay a charge before the Ontario Labour Relations Board if it feels that this is an example of bad-faith bargaining.

Mr. Cassidy: That's no answer at all.

UTDC-ONTC TRAIN DEAL

Mr. Sargent: Mr. Speaker, a question of the Minister of Transportation and Communications:—

Hon. Mr. Henderson: This is going to be good.

Mr. Sargent: Will he please tell the House why he bought trains for the Ontario Northland Railway from Switzerland while Amtrak in the United States is buying \$10 million worth of LRTs from Montreal, from Bombardier? If the Yanks can buy from us, why can't we buy from Canadian firms instead of going to Switzerland? Has the Premier got a deal on there too?

Mr. S. Smith: He doesn't understand German.

Mr. Speaker: Order, please.

Hon. Mr. Snow: I think it is very easy to explain, although there are several reasons, perhaps the foremost being that the first two trains we have purchased will be delivered April 1 and will be in service by the end of April. The second two trains will arrive perhaps in August or September, 1977. We estimate it would take from three to five years to obtain delivery of new trains manufactured in Canada.

UTDC has purchased four trains for an amount between \$3.7 million and \$3.8 million delivered here in Canada, whereas the cost of those four trains made in Quebec probably would have been considerably over \$20 million.

Mr. Kerrio: Would the minister care to advise the House how those people who have those requirements would need that much lead time that would catch us ordering, on 50 per cent of the answer he has given, strictly on lead time?

Hon. Mr. Rhodes: What are you talking about?

Mr. Kerrio: Where is the planning, that is the question?

Hon. Mr. Rhodes: It is delayed by the member for Nipissing (Mr. R. S. Smith).

Hon. Mr. Snow: First of all let me explain that, last September I believe, the federal government put out a request for proposals to supply new rail passenger equipment for the service between Quebec City and Montreal. Those proposals do not come in until next February or March and may be extended beyond that time. I do not expect that a decision will be made as to which trains the federal government will be purchasing until perhaps at least close to a year from now.

It is my understanding that it will take at least three years from that time for the new trains to be designed, finally developed and constructed. We have looked into the possibility of purchasing new train equipment for Ontario Northland as part of an order the federal government might place. Again, as I stated, if we did that, I don't anticipate we would have the new equipment for a minimum of three years and it could be as long as five years.

The particular trains we have purchased are available and will be used in that five year interim. My statement, when I announced the trains, said that we were not bypassing the possibility of new Canadian equipment but this equipment would be utilized in the meantime.

Secondly, I might say it is my understanding, from talking to officials of the railroads—not only ONTC but CNR and CPR—that there is no way any Canadian company can gear up economically to build new rail passenger equipment for less than perhaps 20 or 25 train sets.

How this arrangement which has been made with Amtrak is being financed I do not know. Amtrak, as I understand it, has entered into some lease agreement with the Bombardier Company to supply two trains on a trial basis and the federal government has given a guarantee that it will buy back those two trains, for I believe \$8.2 million, if after a couple of years Amtrak isn't satisfied with them. This is a promotion deal of some kind.

SHABAQUA CORNERS— THUNDER BAY ROUTE

Mr. Angus: Mr. Speaker, a question of the Minister of Transportation and Communications: With reference to the search by his ministry for a route for a proposed four-lane divided highway from Shabaqua Corners to the city of Thunder Bay, could he advise this House whether press reports originating from

the staff of the ministry and indicating that the route has been narrowed down to three choices are correct? Has it been narrowed down to three choices?

Hon. Mr. Snow: I will have to look into that. I can't verify it. I know the selection of that route is in the public participation process. The different alternative routes have been tabled, there have been public meetings, but I am certainly not aware of any narrowing down of the choices. I've not had a recommendation back from my staff as to dropping of any of the alternatives, which would be the normal process.

Mr. Angus: Supplementary: Perhaps when the minister is checking with his staff about that aspect, could he find out why they are saying one thing to the press—that is three routes—and to the municipality of Paipoonge, during a closed meeting on Tuesday, October 19, they stated they had selected the final route and would the municipality pass a resolution endorsing that route? Would he check into that for me, please?

Hon. Mr. Snow: Yes, certainly Mr. Speaker, I'll check into it. I doubt very much, though, if my staff are giving different information to different people.

An hon. member: Do you want to bet?

Hon. Mr. Snow: I want to bet, yes.

Mr. Foulds: Supplementary: Does the minister not think that it would be wise to hold off a final choice of any proposed route, or even the development of the divided highway, until his ministry sees what kind of traffic patterns develop after the upgrading of Highway 102, especially with the new bridge over the three railway tracks and the Kaministiquia River, is completed, to see how that shifts the traffic patterns in the area and whether or not that takes off the current load on Highways 11 and 17?

Hon. Mr. Snow: Mr. Speaker, first of all, as I tried to explain a moment ago—obviously the hon. member doesn't understand—

Mr. Foulds: I understand too well.

Hon. Mr. Snow: We have the public participation process going on at this time. There have been public meetings. The municipalities involved are considering the alternative routes. I'm sure those municipalities will be putting in resolutions as to their recommendations. After all this process has been completed then my staff from the

northwestern region will be making a recommendation to me as to the selection of a route.

If I may quote an instance on Highway 17, on another section of Highway 17 between Sudbury and Sault Ste. Marie, where there were about five routes originally selected, we did not narrow it down to one route because the project is some years ahead in the planning stage, as is Thunder Bay. We did disband three routes and have reserved rights on two routes. So there are many different ways of dealing with this particular type of a planning process.

CABLE TELEVISION SERVICE

Mr. G. I. Miller: Mr. Speaker, I have a question for the Minister of Housing concerning cable television service to senior citizens' residences in my riding. Can he explain to me why cable television is being refused by Ontario Housing in senior citizens' residences on Scott Avenue in Simcoe, when a similar residence on Arthur Street in the same municipality has cable service installed?

Hon. Mr. Rhodes: No, Mr. Speaker, I cannot explain that. If the hon. member would have dropped me a note on it I probably could have had an answer for him today, but I'll find out.

Mr. Nixon: Is it true you don't like senior citizens?

Mr. Speaker: Order, please. That's not a supplementary.

Hon. Mr. Rhodes: No; I like senior citizens but you're closer to them than I am.

Mr. Nixon: What did he say?

Mr. Philip: I wonder if the Minister of Housing can explain why there has been this continual fight between OHC and the cable companies that has not been resolved for a great number of months—

Mr. Speaker: Order, please. I believe that's a general question, where the other one was quite specific. There may be an opportunity later to ask that separate question.

INFLUENZA VACCINATIONS

Mr. Williams: Mr. Speaker, a question of the Minister of Health: Now that he has given the green light to the swine flu inoculation programme, would he recommend that all of the members of the House seek

inoculation; and if so what would be the procedure to be followed?

Hon. F. S. Miller: Mr. Speaker, I am tempted to exclude some members from the programme. However, since it's been proven safe, and since the Premier and I, in fact, are getting our shots right after this question period—

Mr. Lewis: Are you really?

Hon. F. S. Miller: Yes we are.

Mr. Lewis: You feel you fall within the generic definition of swine?

Hon. F. S. Miller: I'll only speak for myself.

Mr. Speaker: Order, please.

Interjections.

[2:45]

Mr. Speaker: Order.

Hon. F. S. Miller: I might say he and I are not getting the same type.

Mr. Lewis: I should hope not.

Hon. Mr. Davis: He's older than I am.

Hon. F. S. Miller: Yes, I would recommend that the members get it. In fact, I'd suggest that if they're back in their riding they should contact their MOH. I'm quite sure that if members wanted us to have something for members—in other words, our health service within the ministry arrange it—we could do that and have an inoculation programme arranged at a specific time for members of the Legislature.

Mr. Lewis: We could do it during the private members' hour.

Mr. Sweeney: Is it true that only the swine flu vaccine is now available?

Mr. Speaker: Order, please. That's not supplementary to the question.

An hon. member: Oh, certainly it is.

Mr. Speaker: You may ask that in a few moments; we'll get to you. We're wasting time now.

Mr. Breithaupt: Is it true there hasn't been a case of swine flu in North America?

Interjections.

Mr. Speaker: Order, please.

PREMIER WOODWORKING

Mr. Bounsall: A question of the Minister of Labour: Would the minister inquire yet again into the arrangement between the Workmen's Compensation Board and Premier Woodworking with respect to the situation where Premier Woodworking appears to be firing, rather abruptly and rather roughly in terms of the firing, those injured workmen whom they've employed by arrangement with the Workmen's Compensation Board just prior to the period at which the subsidy paid by the Workmen's Compensation Board to Premier Woodworking terminated?

Hon. B. Stephenson: I learned on Monday that there was at least a rumour about that this was happening and I have asked for an explanation and an investigation by the board on this matter.

Mr. Lupusella: Is the minister ready, through the Workmen's Compensation Board, to reinstate full compensation to those seven injured workers who were fired by Premier Woodworking—retroactive to the date on which they were fired?

Hon. B. Stephenson: I'm sorry, I obviously did not hear the middle portion of the question and I'm not sure which workers the hon. member was speaking about.

Mr. Lupusella: I'm going to rephrase my statement by way of a supplementary: Is the minister ready, through the Workmen's Compensation Board, to reinstate full compensation to those seven injured workers who were fired by Premier Woodworking—retroactive to the date on which they were fired?

Hon. B. Stephenson: It would be obviously premature for me to make any statement about that at all until the investigation of the problem is completed.

WINTARIO

Mr. B. Newman: I have a question of the Minister of Culture and Recreation—and by the way, Mr. Speaker, you bypassed us in the rotation of asking questions.

Mr. Speaker: No, there was the hon. member for Oriole (Mr. Williams), then over here, and now we're getting to your party.

Mr. B. Newman: My question of the Minister of Culture and Recreation is: How are athletic supplies and equipment sent to the various groups and organizations purchased

under Wintario? Are these purchases made on a tender basis in the first instance; and if they are, who are the prime suppliers?

Hon. Mr. Welch: We've recently altered the whole procedure. Rather than sending equipment out in response to those applications for equipment, we're sending the cash equivalent and encouraging people to make their purchases in their own communities from distributors or retailers in their own home areas.

Mr. B. Newman: How long has that policy been in effect?

Hon. Mr. Welch: I think it was just cleared about two or three weeks ago.

Mr. Sargent: Last night.

Interjections.

Mr. B. Newman: In the minister's letter to me less than a week ago, he made mention that he was going to change the policy, why didn't he tell me at that time that he had changed the policy?

Mr. Nixon: His deputy hadn't told him yet.

Hon. Mr. Welch: All I have shared with the hon. member is the policy as it is in answering his question. I take it that he would support the fact that we are encouraging successful recipients to make their purchases in their home area.

Mr. Bain: Supplementary: Could the minister clarify a situation? Before he made the change, when one ordered sports supplies from a supplier were they allowed to substitute and send a cheaper brand than the one the minister ordered?

Hon. Mr. Welch: Mr. Speaker, if I have understood the question, prior to this change in policy we were following procedures which had been employed for some years by the office of the athletics commissioner in actually sending out the equipment. I don't know that there were any particular concerns with respect to the quality of the goods sent out—if that is the hon. member's question.

Mr. Cunningham: A supplementary over here.

Mr. Bain: If I could clarify the question—

Mr. Speaker: Order. No, I think we'll go to another supplementary over here. The member for Huron-Bruce.

Mr. Gaunt: I'd like to know from the minister if the number of requests has increased substantially since Wintario has assumed this role?

Hon. Mr. Welch: Unquestionably. It's very popular.

Mr. Gaunt: To what extent?

Mr. Speaker: A new question here.

DEATH OF CONSTRUCTION WORKER

Mr. Lupusella: A question to the Minister of Labour: Is the minister ready to initiate a full investigation and report to the House concerning the case of a 46-year-old workman, Herlander Santos, who fell 16 storeys to his death on November 8, 1976, from an extended loading platform on a building under construction on Yonge Street in North York?

Hon. B. Stephenson: No, Mr. Speaker, I am not ready at this point to report to the House about that matter. The investigation is not as yet complete and when it is I shall be pleased to report to the House.

While I'm on my feet, Mr. Speaker, could I please—

Mr. Lewis: A supplementary, Mr. Speaker.

Mr. Speaker: Order, please.

Hon. B. Stephenson: I'm sorry.

Mr. Lupusella: A supplementary: In view of the 30 rolls of safety fence which were being lowered by crane on to the 12-by-18-foot platform which fell on top of Mr. Santos on the ground, can the minister investigate the safety conditions of the work place where Mr. Santos was killed?

Hon. B. Stephenson: Yes, Mr. Speaker.

AUTOMOBILE INSURANCE

Mr. O'Neil: A question of the Minister of Consumer and Commercial Relations: Can the minister confirm complaints which have been made to me that deaf persons are assessed for unduly high car insurance premiums? If this is so what steps does he plan to take to correct the situation?

Hon. Mr. Handleman: I'm afraid I didn't hear who the question referred to; I heard something about high insurance rates. Did he say deaf persons are assessed—

Mr. S. Smith: Deaf.

Mr. Speaker: Order, please. Would the hon. member repeat the question?

Mr. Sweeney: Maybe you have had your own—

Mr. O'Neil: I would hope that the minister's premium rates are not too high. I'll repeat the question.

Mr. Speaker: Order. Ask the question, please.

Mr. O'Neil: Can the minister confirm a complaint which has been made to me that deaf persons are assessed for unduly high car insurance premiums? If this is so what steps does he plan to take to correct the situation?

Mr. Nixon: He read your lips.

Hon. Mr. Handleman: Those complaints have not been conveyed to me, but I'd be glad to check into it and reply to the hon. member at a later date.

Mr. S. Smith: You haven't heard them, have you?

Mr. Breithaupt: You haven't heard them.

Mr. Speaker: The oral question period has expired.

POINT OF PRIVILEGE

Mr. Cassidy: Mr. Speaker, on a point of privilege, the Minister of Consumer and Commercial Relations gave an answer which was not correct according to Bill 60, which was passed by this House earlier in the year. Section 5(2)(2a) and (3) of Bill 60 as amended makes it clear that if a landlord wishes to charge an eight per cent increase on a lease beginning in January or February of this year and then charge another increase after the expiry of rent control, he has every legal right to do so under the law as it presently stands. I would ask the minister to withdraw the erroneous material he gave to the House.

Hon. Mr. Handleman: Mr. Speaker, my interpretation of the sections is quite the opposite of that of the hon. member. I'm prepared to check into it.

Mr. Speaker: Thank you.

Order; this is not a debate. The hon. minister indicated he would check into the interpretation of the sections.

Mr. Cassidy: Mr. Speaker, I wish to serve notice that I am dissatisfied with the—

Mr. Speaker: You will give notice in writing, in the usual way.

Petitions.

Presenting reports.

REPORTS

Hon. Mr. Bennett presented the annual report of the Ontario Development Corporations for the fiscal year ending March 31, 1976.

Hon. Mr. Bennett: During the fiscal year the corporations approved a total of 246 loans and guarantees for \$27.4 million. In addition there has been a marked increase in the demand for the corporations' advisory services by small businessmen and inventors across the province.

The businesses assisted represent almost every facet of secondary manufacturing in the province with particular attention given to Canadian-owned ventures. Highlighting the fiscal assistance have been the loans approved under the tourist industry programme and the Ontario business incentive programme which together received a total of \$16.2 million.

Demands for loans under the export support programme continued. Advances under this programme are re-cycled which results in support for a dollar volume of sales much greater than the loan amounts authorized.

During the year the corporation achieved a primary objective, which is to encourage increased economic growth in the northern and eastern parts of our province. These areas, which represent 25 per cent of the province's total population, received 63 per cent of all the financial assistance provided by the corporation.

Hon. Mr. Bernier: The way it should be.

Hon. Mr. Bennett: The corporations have once again played an important role in the area of job creation and retention. It is estimated that a total of 3,906 new direct jobs will be established as a result of the corporations' activities in the fiscal year.

In addition to sending a copy of the annual report to each member, I am attaching a list of the loans made in their individual constituencies.

Mr. Lawlor from the standing administration of justice committee reported the following resolution:

Resolved: That supply in the following amounts and to defray the expenses of the Ministry of the Attorney General be granted to Her Majesty for the fiscal year ending March 31, 1977:

Ministry of the Attorney General	
Law officer of the	
Crown programme	\$ 4,398,000
Administrative	
services programme	22,177,000
Guardian and trustee	
services programme	4,239,000
Crown legal services programme	11,856,000
Legislative counsel	
services programme	502,000
Courts administration programme	62,179,500
Administrative	
tribunals programme	5,728,000

Mr. Speaker: Motions.

Introduction of bills.

Hon. Mr. Welch: Mr. Speaker, before calling the orders for today, this might be the appropriate time to indicate the order of business for next week.

On Monday we will start with second reading of Bill 139 and, of course, it being Monday, at 5 o'clock there will be private members' hour, when we will take under consideration second reading of private member's Bill 95. There will be no evening session on Monday.

On Tuesday, if necessary, we will continue with second reading of Bill 139 until completed and then turn to the legislation standing in the name of the Attorney General (Mr. McMurtry) dealing with Bills 85, 140 and 141.

Mr. Deans: I would like to raise just one matter, if I may. Since the government House leader is putting it on the record, my colleague the member for Lakeshore (Mr. Lawlor) has asked me to ask that they not be dealt with necessarily in that order. He would prefer to deal with Bill 85 last. Is that reasonable?

Mr. Breithaupt: I thought it was the intention to debate them in order, but it can be the way the Attorney General wishes to call them, I presume.

Mr. Deans: Anyway, my colleague has asked if it would be possible.

Hon. Mr. Welch: The Attorney General has no objections. We simply felt that we

would call them in numerical order. If there is some other order, as long as we deal with all three of them, that's fine. Are there any other questions?

Mr. Breithaupt: Mr. Speaker, can we hear from the Attorney General what the order then shall be?

Hon. Mr. McMurtry: Mr. Speaker, I have no personal preference whatever. I would like to accommodate all the parties in the Legislature and I would hope that perhaps the justice critics for the two opposition parties perhaps could agree on the order, which I would be quite happy to live with.

Mr. Breithaupt: Fine. That would be satisfactory.

Mr. Speaker: Orders of the day.

THIRD READINGS

The following bills were given third reading upon motion:

Bill 130, An Act to amend The Planning Act.

Bill 136, The Corporations Information Act, 1976.

Bill 137, An Act to amend The Business Corporations Act.

Bill 138, An Act to amend The Corporations Act.

BUDGET DEBATE

(continued)

Resumption of the adjourned debate on the amendment to the motion that this House approves in general the budgetary policy of the government.

Mr. Nixon: I see that the Treasurer (Mr. McKeough) is planning to leave the chamber, but I'm still delighted to have an opportunity to bring to your attention, sir, and to those who will be here in the Legislature, some of my views having to do with the fiscal and financial policies that have directed the affairs of this province in recent months and to give my opinions as to what the direction ought to be in the future.

I feel that the most important and certainly one of the most interesting documents that is presented to us is the financial report of the province of Ontario—not its budget, but in fact the accounting of where the moneys are raised and how they are spent during the previous fiscal year. The most recent one came into our hands about a month ago and it contained some points of interest that I

want to use as more or less a structure for the remarks I want to put before you, sir, and the other members of the House.

On page 4, I read from the report as follows:

"... the province implemented a series of tax cuts and incentive programmes during 1975. These measures in brief were; a reduction of the retail sales tax from seven per cent to five per cent from April 7"—just before the election—"to December 31, 1975"—just after the election. I'm interpolating, Mr. Speaker, for your convenience—"rebating to consumers the entire sales tax on new cars purchased from July 7"—just before the election, Mr. Speaker—"to December 31, 1975"—just after, and third—"providing a \$1,500 grant to first time home buyers from April 7"—just before the election—"to December 31, 1975"—just after. "By the end of 1975... and as of January 1, 1976, the home buyers' grants programme ended and the retail sales tax was returned to seven per cent. The total cost of these temporary measures is estimated at \$590 million."

That figure of \$590 million is an important one from my point of view, perhaps more important than for anyone else, because the taxpayers in the province, and to some extent the members of the Legislature, are not impressed by the figure of \$590 million. It's almost meaningless. Yet, sir, I submit to you that this was the cost of the special programmes brought forward by the Treasurer to repair what he considered to be certain political damage suffered by the Conservative Party during the previous month.

I'm sure the instructions given to him by the Premier (Mr. Davis) were, "Darcy, you bring in a programme that will win us votes, and don't worry about the cost." This was before either the Treasurer or the Premier had ever heard of retrenchment, and this \$590 million, all of it coming out of the taxpayers' pockets, was for the payment of these short programmes which were designed to recoup some of the lost favour of the provincial Conservative Party. I'm very much concerned, sir, that the programmes will be entered into this way and it makes me feel that the approach the government has taken since those days in an effort to cut government costs has been essentially hypocritical and non-productive in a very serious way.

I want, sir, to bring to your attention a further extract from the financial report of the province of Ontario, and this comes from page 19:

"The Ontario Land Corporation, established in March, 1975, received on March 25, 1975, advances of \$320 million to purchase land for the North Pickering, South Cayuga, Townsend and Edwardsburgh projects."

Those names might ring a bell with some members. But \$320 million of public funds has been used to purchase large tracts of land in various parts of the province which was supposed to fulfil the planning requirements in the long range programme of the previous Treasurer, the Hon. John White.

Mr. White is no longer a member of this Legislature. I am sure he is enjoying his new duties, among them being a lecturer in economics at the University of Western Ontario. While the students at that university no doubt benefit from his experience as Treasurer we here in this House have to carry, in my view, a very large burden indeed of the errors made in planning in the areas headed by the former Treasurer and subsequently supported by the present incumbent.

I want to recall to mind some of the, let's say programmes, associated with this \$320-million. Pickering new town was to have been a well serviced community built in conjunction with the new federal airport that was to be built in the Pickering area. The airport, very properly, has been suspended if not abandoned forever but it is really a bit of a tragedy that the properties taken for the airport and those taken for the Pickering new town were bought or expropriated.

Certainly it led to a good deal of heartache for the Minister of Housing (Mr. Rhodes) and our Ombudsman over the procedures for payment. That has not been completely disposed of yet.

The property sits out there and is not under development. The old homes have been repaired so that they can be rented out to people who might make use of them but here's a large tract of land—actually this was not John White's programme but the present Treasurer's programme—which just sits there, and meanwhile we pay interest on the investment.

Edwardsburgh is another interesting one in eastern Ontario. A large tract in Edwardsburgh township was purchased by the government for an industrial development in that area. The present member for—

Mr. Conway: Carleton-Grenville (Mr. Irvine).

Mr. Nixon: —Carleton-Grenville was not even consulted by the Minister of Industry and Tourism (Mr. Bennett) at the time when he made the announcement. The real tragedy of it is the member for Carleton-Grenville was very closely associated with local initiatives in purchasing property down by the river in that township. It is served by Highway 401; it is by the main line of the railway service with easy access to the Seaway. It is an area which has never developed in any appropriate way simply because the province went in without consultation, even with the local member, and bought this huge tract of land in the middle of Edwardsburgh township.

Mr. Breithaupt: I'd say he was betrayed.

Mr. Nixon: I will tell members it certainly does seem to be a betrayal because we have committed a tax fund amounting in total to \$320 million for these purchases I am referring to. They were entered without consultation, without planning. The property sits there growing weeds except where the property has been leased out to local farmers at very advantageous rates. This is in an area where every member of this House would like to see government funds spent for the appropriate development of local industry to provide jobs for the people concerned.

I believe the member for Carleton-Grenville had a good initiative with his local municipal colleagues in those days in setting aside a development for this kind of growth. When the present Minister of Industry and Tourism moved in there and made this large purchase local plans were simply knocked into a cocked hat. Nothing has happened since then. We haven't even been treated to announcements.

It may be when the election pot gets heated up a bit in 1977 the government, in reaction to some public relations poll, will feel it is time to say something more about eastern Ontario. Meanwhile our \$320 million sits there.

Interjection.

Mr. Nixon: The hon. member for York North (Mr. Hodgson) is interjecting. The hon. member for York North is chairman of a planning committee for a third new community and that is Townsend, in Haldimand-Norfolk. Haldimand-Norfolk is not very close to North York but the hon. member, being a good Tory back-bencher and a fine fellow all around, we would agree, has been selected by his master, the Minister of Housing,

to go to that area to chair the local planning committee.

I will tell you, Mr. Speaker, and you might be interested in this, he's much more acceptable and personally popular than his predecessor. His predecessor is now the minister—what the devil does she do? Anyway, she is presently the member for St. David (Mrs. Scrivener). She went down there with a rather autocratic view, representing the centralized authority of the province of Ontario, to tell those peasants exactly what they should have for development.

At least the member for York North knows how to talk to farmers and local municipal councillors, but even he is not capable of serving two masters. When it gets down to what you call the short strokes, he knows which side of the bread his butter is on.

Mr. Hodgson: Just wait and see.

Mr. Nixon: He is serving what I consider the misdirected planning initiatives and investments taken by both the present Treasurer and his predecessor.

I want to say something about it because the members of the House so often simply ignore the problems that occur in other parts of Ontario. We are all guilty of that. Perhaps we think what is happening in our own area is worthy of more direct attention. I feel this is an opportunity for me, as the member for Brant-Oxford-Norfolk, to bring to your attention just what is happening and what is not happening in the area of our investment of \$320 million in these lands. I have already referred to the Pickering new town briefly and the Edwardsburgh project briefly, both of which are completely on ice, both of which receive part of that \$320-million investment and both of which in my view were serious errors of judgement.

Hon. Mr. Irvine: Which you don't know anything about.

Hon. Mr. Kerr: Listen to the interjections.

Mr. Nixon: Now we come to this Townsend situation. Here in the middle of the former township of Townsend is a property that the government was able to pick up at the knock-down price of \$22 million. In asking questions in the House it appears that John White, who was then Treasurer, almost made the decision and signed the cheque himself. Question as we could, we couldn't find anybody but the Premier who was aware of the decision to proceed and purchase.

Here is a beautiful agricultural tract. I have driven through it many times. It is

in my constituency. It is completely rural with nothing but maybe one or two rural country stores in the area. And this is designed for development as a new city. It wasn't enough that we get that particular tract of land worth \$22 million, but about five or six miles away the then Treasurer decided we should have another. Try as I might, I can think of no justification to buy an additional tract of land, once again worth \$20 million.

It is true it is reasonably close to the Nanticoke industrial development but, after all, we already have a new city site that had been purchased previously. Being the kind of politician I am, I even tried to think was there some political advantage in it, and I could think of none, other than that the Treasurer was caught up by this vision of development in Haldimand-Norfolk which really was not borne out by any statistics or plan that was developed either by the industries or the people locally in any sense whatsoever.

I will tell you, Mr. Speaker, I was not surprised when about a week ago the regional council of Haldimand-Norfolk passed a resolution telling the government that they were not prepared to go forward with the plan as enunciated by John White and substantiated by the Treasurer and the Minister of Housing. The council says that the development is premature, and that there are serviced lots presently on the market—

Mr. Makarchuk: At what price are they?

Mr. Nixon: —to accommodate 30,000 people. They feel in their planning procedure they can find 10,000 lots. The hon. member for Brantford is interjecting, "At what price?" He can make his own speech when he wants to reflect the policies of the New Democratic Party which call for the ownership of all land used for development.

Mr. Makarchuk: That is a lot of nonsense.

Mr. Nixon: Oh, yes, Mr. Speaker.

Interjections.

Mr. Makarchuk: What you are doing is driving up the price?

Mr. Deputy Speaker: Order, please. The hon. member for Brant-Oxford-Norfolk has the floor.

Mr. Nixon: You certainly would be familiar, Mr. Speaker, with the stand taken by the New Democratic Party in the last election

calling for the public ownership of all developable properties within a reasonable range of the urban areas. I am sure you are also familiar with the stand calling for the public ownership of the resource development of northern Ontario. But that is just a little bit off the point I wanted to raise here.

Mr. Moffatt: Perhaps the member would like to move that.

Mr. Foulds: The member is misleading the House.

Mr. Reed: Any more interjections?

Mr. Deputy Speaker: The hon. member for Port Arthur will not accuse another member of misleading the House. He must withdraw it.

Mr. Foulds: Mr. Speaker, the hon. member is in fact mis-stating my party's policy, and he even mis-states his own party's policy.

Mr. Deputy Speaker: You can challenge the ruling if you wish, but you cannot debate it. You will withdraw it or I will have to ask you to leave.

[3:15]

Mr. Foulds: Oh, well, I'll withdraw it, Mr. Speaker, seeing as it's you.

Mr. Deputy Speaker: Thank you.

Mr. Nixon: Mr. Speaker, I accept the gracious withdrawal of the hon. member, but rather than lose the point, which concerns me so much, the hon. member for Brantford feels the availability of serviced housing sites for 30,000 people in the Haldimand-Norfolk area does not provide sufficient competition in the area to keep the prices at a reasonable level. Really, I wish he could indicate how we could have serviced lots at no cost or at a lower cost to the people concerned—

Mr. Makarchuk: They don't need 30,000 serviced lots.

Mr. Nixon: But I'll tell you, Mr. Speaker, his only knowledge of the area—

Interjection.

Mr. Deputy Speaker: Order.

Mr. Nixon: I said lots for 30,000 people. Why don't you get it right, Mac?

You see, Mr. Speaker, the only knowledge the hon. member for Brantford has of the area is when he drives from his home on Dufferin Avenue, which is the elite street in Brantford, and he drives through the con-

stituency to use his yacht, which plies Lake Erie and sometimes even goes into Lake Ontario, I'm told, on more extended journeys. So I know how concerned he is that the capitalist system is keeping so many of the good things away from him and his family.

I do want to tell you, Mr. Speaker, that by resolution of the elected council of the regional municipality of Haldimand-Norfolk, the Minister of Housing has been requested—and that is a very mild word to use—that the present plan for the development of the Townsend new town or city be changed and that it be postponed at least three years. It's rather difficult to determine just what the plan is because when it was first enunciated by the Treasurer the first houses were to be ready for occupancy in 1977. Now, that's not far away.

Mr. Breithaupt: About six weeks.

Mr. Nixon: I think there has been some internal adjustment, which the member for York North (Mr. Hodgson) might talk about if he wants to enter this debate, which has postponed it one year to 1978. But the local planning authorities indicate there is considerable confusion in that regard.

The member for York North has moved into the area as chairman of the local planning group, and through the Ministry of Housing they have some very capable people who have ensconced themselves in a trailer in this rural area on the edge of the proposed new town. I've met with these people and they are very able people indeed. I wouldn't say they had a conflict of interest, other than they are committed to the town going forward and will not listen to any reasonable argument that it is not required at this time.

It's interesting to note that this planning group, which is presently headed by the member for York North, commissioned a report from Woods, Gordon. The Woods, Gordon report, last June, looked at the plan of the area and the possibility for local development and came with a very strong recommendation that the timetable be revised. They said that if they go ahead with the present programme, which involves bringing water from the Nanticoke area up into the new townsite and another big pipe to take the sewage down to the lake again, then there is a real possibility that between \$30 million and \$40 million of capital will have been used for the servicing of that property and there will not be anybody there who will need to use the serviced lots.

It's estimated by the local people—and after all we are all committed to local autonomy;

we are so frequently told this by the Treasurer and others, that surely in this area their judgement must be the directing one. I'm sure also that the government would not be prepared to go ahead without the appropriate zoning bylaws that must be enacted by the local council. In this connection I would say that if there is anything fair and reasonable in the approach by the planning authorities here in Toronto, they will bow to the wisdom and judgement of the local authorities.

Haldimand-Norfolk has been constituted as a region for three years. I understand their planning complement involves almost 30 professional people, their director of planning is a very competent man indeed, and yet the whole area is still under minister's planning orders. One can't get a severance; one can't get a building permit for a backhouse unless it has the signature or the initial, presumably, of the Minister of Housing.

Mr. Breithaupt: Carved on the door.

Mr. Nixon: Perhaps that's so. Right under the half moon.

Mr. Foulds: Can you get a building permit—

Mr. Nixon: It seems to me that if this present government is doing anything more than paying lip service to local autonomy, this is an area where surely it must bow to the behest, if not the demands, of the local people.

We have said from the first that the local towns in Haldimand-Norfolk, running up into Brant, have an excellent capacity for further growth. I have already indicated—this is questioned by the member for Brantford but it is the information provided by the planning experts in Haldimand-Norfolk—that there are serviced lots which will accommodate 30,000 people.

Mr. Makarchuk: What are the prices of the houses? What does a house cost?

Mr. Nixon: It is estimated that approximately 10,000 serviced lots are available in the area. This means that these communities—such as Waterford, Delhi, Simcoe, Cayuga, Caledonia, into Brantford and Scotland—most of them are presently served by sewage disposal systems which have been built largely with the assistance of programmes of the provincial government. They have water systems; they have schools with room in them. They have arenas—many of them newly under reconstruction due to the decisions of the Minister of Labour (B. Stephenson) and the largesse of the Minister of Culture and Recreation (Mr. Welch). We have the social capital established there.

Mr. Breithaupt: Even the churches aren't full.

Mr. Nixon: My hon. friend says there's even room in the churches and God knows that's true.

Hon. Mr. Kerr: All over.

Mr. Nixon: We're saying that reasonable development during the next two decades can very well be associated with the communities which are already established. This visionary approach taken by the Treasurer (Mr. McKeough) and now by the Minister of Housing which sees these new cities rising out of the rural landscape of Ontario, is a vision that is certainly not precise.

Mr. Breithaupt: The land of Oz.

Mr. Nixon: We don't want it to become another one of the fiscal nightmares to which this government has treated us in recent years.

I simply recall to mind the point I read from the Treasurer's report; it's just a one-line note that in the purchase of those properties \$320 million has been spent. The interest that money bears—we're holding the land now and not doing anything with it—is a continuing drag on the economy of this province.

Hon. Mr. Kerr: That's why we wanted development.

Mr. Nixon: I draw to the attention of the House as well that one of the strong recommendations of the special programme review, chaired by the Treasurer himself, calls for an examination of those properties and, he says, the sale of those properties to relieve the heavy economic burden on the taxpayers if development is not going forward.

I would say that those municipalities have the power to plan for the use of those properties in any way they see fit. I am very much concerned that the established policy of this government in spending \$320 million for properties which are of no use now is a serious concern to everyone.

Obviously, landbanking is an important aspect of the policies of any modern government but landbanking cannot be simply the indiscriminate purchase of property wherever a Treasurer or someone advising him, politically or otherwise, decides to make such a purchase. I recall that these are not the only properties held in the name of the province of Ontario. I have tried to add together the properties which are held—

we're not talking about Crown lands; you know a lot more about those than I do, Mr. Deputy Speaker, coming from northern Ontario.

In town and industrial sites only, the Crown owns 58,000 acres. For the parkway belt we own another 20,000. For housing as yet undeveloped, 21,000 acres. For highway development, 34,000 acres; and for recreation, 117,000 acres.

That means the Ontario government holds through its various agencies 250,000 acres, parcels of land worth, by a conservative estimate—I know that's the kind, Mr. Speaker, most impressive to you—about a half a billion dollars. As yet, the government has no programme to adequately use them.

We're concerned with affordable housing. It's not just the member for Brantford who talks about that.

Mr. Makarchuk: The local Liberals squelched it.

Mr. Nixon: While he chortles up in the back row and thinks about his warm mansion in the heart of the city of Brantford, shedding those crocodile tears that are so characteristic of his approach to public policy, still we draw—

Mr. Makarchuk: The local Liberals killed the policy.

Mr. Nixon: —to his attention and yours that a thousand acres are held by Ontario Housing in Brantford township, ready for development while that same member for Brantford is calling for a freeze on all development outside the city of Brantford. Talk about hypocrisy.

Interjections.

Mr. Nixon: Talk about a misdirected approach. That has got to be one of the more serious ones.

Mr. Makarchuk: On a point of order.

Mr. Deputy Speaker: A point of order, the member for Brantford.

Mr. Makarchuk: The member for Brant-Oxford-Norfolk is misleading the House. That is not the case whatsoever.

Hon. Mr. Kerr: Tell us the answer. Tell us what is the truth.

Mr. Deputy Speaker: Is the member for Brantford suggesting that the member for Brant-Oxford-Norfolk is misleading the House?

Mr. Deans: It certainly sounds like it.

Mr. Makarchuk: The Brantford member is suggesting that what the member for Brant-Oxford-Norfolk is saying right now to the effect that I want a freeze on all development in Brantford township is not correct.

Mr. Deputy Speaker: You will agree that he's not misleading the House?

An hon. member: Oh, yes, he is.

Mr. Deputy Speaker: The hon. member for Brant-Oxford-Norfolk can continue.

Mr. Nixon: I will have more to say about the problems involving the city of Brantford, represented by my hon. friend, and Brantford township a bit later in my brief remarks. But you will be aware, sir, of the controversies between the city of Brantford and Brantford township.

Mr. Foulds: On a point of order, Mr. Speaker, I beg your wisdom but I would like to know how the Chair can rule that when a member of the House gives false information to the House, the member is not in fact misleading the House.

Mr. Nixon: If I might speak to that point of order, Mr. Speaker, I doubt very much whether either the Speaker or the hon. member for Port Arthur can be the last judge as to what is false and what is not. If I might assist the Speaker in this matter, I may say something that I consider to be factual and the hon. member for Brantford contradicts me; then that should be the end of it. I don't have to believe him and I don't have the power to make him believe me. The electorate makes a judgement in these matters and that's enough for me.

Mr. Foulds: It's a question of procedure.

Mr. Deputy Speaker: The hon. member for Brant-Oxford-Norfolk is very prescient. I was going to say the same thing myself. The hon. member may continue.

Mr. Nixon: Mr. Speaker, I like to be as helpful as I can.

Mr. Foulds: Even though misleading.

Mr. Nixon: I just wanted to be sure that the government's policy in the development of these lands, to which I have been referring to specifically, has been completely inadequate. It has been wasteful in the extreme. It has been based on the pipedream of a former Treasurer who is not even here and is no longer a member of this House. I

believe that it is no longer supported with any enthusiasm by the members of the ministry who have the direct responsibility for the enactment of the original vision.

I would suggest that those particular people who have for the present time the responsibility of carrying out government policy should examine it without further delay. We have \$320 million of capital commitment and every day hundreds of thousands of dollars are being wasted because of government inaction in this particular regard.

I want to say something further about the emerging problems of municipal government that involve the city of Brantford and the county of Brant. I'm very glad the member for Brantford is here because from time to time he might want to interject his remarks.

Mr. Makarchuk: I just knew you were going to talk about it.

Mr. Nixon: As you are aware, sir, the area to which I refer is the smallest county in Ontario and is presently a hole in the regionalized doughnut, for which I give continuing thanks. The area is surrounded by regional government in Haldimand-Norfolk. I've already referred to them. Oxford—

[3:30]

Hon. Mr. Parrott: No, restructured county, we talked about that the other day.

Mr. Nixon: —which the hon. minister is interjecting is not a regional government at all but I certainly would disagree with him in that connection, because he surely knows full well that the whole purpose of the so-called restructuring of a county is simply to put the city and the rural areas under one government and this is precisely what a regional government does.

Going farther to the north, in the north is the Waterloo regional government, and so we are surrounded. Being a fairly small county I have had the impression for many years—

Mr. Foulds: Are you a small county? You have got a misplaced modifier there.

Mr. Nixon: No, I'm not, I live in a small county. It's the best one, but the smallest. I have had the impression now for many years that the present Treasurer, even going back to his first visions of regionalization, felt that this would be an excellent example of an area which could have a one-tier government; in other words, the city of Brantford would simply expand itself to include the whole of the area of Brant county.

This is really the position that has been taken by the city of Brantford and, as nearly as I can tell from the pronouncements that are frequently coming from the pen of the member for Brantford, is the approach to government reform the NDP member for Brantford considers the best course of action. In other words, gobble up the rest of the township and let Brantford run everything.

Mr. Makarchuk: You expect them to pay the shot, don't you?

Mr. Nixon: I hesitate, Mr. Speaker, to put words in his mouth but he is not denying it; he is simply indicating that Brantford is paying all the shots, therefore they should run the whole of the local government.

I could not be more opposed to this, and if this is a difference in principle between the NDP and the Liberals then so be it. I consider it to be basic Liberal philosophy not to impose the kinds of government changes which have been so characteristic of Conservative policy in the past.

I want to be fair—I always am fair—and I want to say to you, Mr. Speaker, it is not the Conservative Treasurer who is trying to ram this down our throats, it's the NDP member for Brantford who is trying to do it. That's a fact.

Interjections.

Mr. Nixon: The Treasurer, being an astute politician, has backed off from regional government entirely. He has said that there will be no more imposition of regional government. I would like to bring that point to your attention, Mr. Speaker, because I believe very strongly that the traditions of co-operation between the city of Brantford and the municipalities in the county of Brant should be able to carry us over the difficulties which seem to be arising in the negotiations between the urban and the rural areas.

The spokesmen for the city—including the local member; that is the local city member—are very much against any developments taking place in the county at all. They point to what some people have called the devastation of the city core in Brantford. I don't consider it devastated. Some of the best stores around are there. But one should not forget the point that one of the largest new shopping centres, Lynden Park Mall, was not built out in the rural area but in fact built within the boundaries of the city of Brantford itself.

I don't want to be in a position where I exacerbate the problems that have been arising between the two areas—

Mr. Makarchuk: It was your friends who put it there, Bob. Your fellow members put that in there.

Mr. Nixon: —but I will say to you, Mr. Speaker, that we have had a full local government review and the spokesman for Brantford in this House keeps calling for the annexation of the whole of the county of Brant, and he is talking about an area of Brantford township but essentially one tier regional government means the annexation of the whole county, and that is completely inadmissible. As long as there are people talking that way, then of course we cannot move in any orderly or co-operating way to a reasonable settlement. I believe, very strongly—

Mr. Makarchuk: You have been moving since 1964—backwards.

Mr. Nixon: I believe very strongly that it is necessary to co-ordinate the planning procedures of the urban area with the rural area, but I am unalterably opposed to any regional government which would mean that all of the decisions taken in the county area are based on a majority decision of those representatives representing the city of Brantford. I have a very good reason for expressing this opposition. The most recent statistics having to do with the cost of regional government are as follows.

Between 1970 and 1974, there was regionalization of very large areas of the province and certain costs changed during those years. Very briefly I want to compare the changes in the cost of local government and local taxation in the areas which were regionalized with those in the areas in the rest of the province which were not regionalized.

The increase in municipal spending in the period between 1970 and 1974 in the regions was 85 per cent. In the rest of the province it was 54 per cent. The increase in residential taxation in the regionalized areas was 52.3 per cent; in the rest of the province it was 23 per cent. The increase in provincial assistance to the regions was 139 per cent and in the rest of the province it was 98 per cent.

Let me say something about that. Obviously in those years of inflation and expanding municipal services, the government, under great pressure, had increased municipal assistance across the board to all the municipalities. It almost doubled it in the four years to the municipalities of the ordinary unregionalized type but it went up almost 140 per cent for the others. These statistics are government statistics. They come

from the special review of government programmes, chaired by the Treasurer himself, and they indicate clearly what's happened to those costs.

I want to put on the record just one other statistic. In the period from 1970 to 1974 the increase in staff, those people hired by municipal government, was as follows: In regions the staff numbers went up 53.6 per cent and in the rest of the province the staff numbers went up 24 per cent. We can understand now why the Treasurer says we don't want any more regional government. We have been saying from the first, as Liberals, that we cannot afford this additional level of government. We cannot afford an approach which was supposed to make government more efficient but which has a price tag which has been an extremely heavy additional burden for the taxpayers to bear.

Mr. Makarchuk: You are talking out of both sides of your mouth.

Mr. Nixon: The member for Brantford is interjecting—probably something about increased services, and that may be.

Mr. Makarchuk: You are talking out of both sides of your mouth.

Mr. Nixon: Not at all.

Mr. Makarchuk: What is the per capita spending in Brantford?

Mr. Nixon: We are opposed to regional government. It is interesting that although the member for Brantford wants the city to expand its jurisdiction over the county, still the official policy of the NDP is against regional government. Of course, as usual, they are trying to have it both ways. I don't know—the member cuts his cloth to deal with what he thinks is going to be acceptable in his own community but it doesn't reflect the policy of his party. I think that is a regrettable thing. I don't think he's trying to mislead this House in any way but he may be trying to mislead the people in Brantford.

Mr. Edighoffer: They don't all have yachts, do they?

Mr. Nixon: I would simply draw your attention again, Mr. Speaker, to one of the clear recommendations in the special programme review, chaired by the Treasurer. It had all sorts of other people on it. What was his name—the former federal Auditor General?

Mr. Edighoffer: Henderson.

Mr. Nixon: Maxwell Henderson was the watchdog of federal expenditure. The clear instruction was that there should be no further regionalization of government and this was predicated directly on the statistics they gave us on the increase in the cost and the increase in the staff.

To be fair they went on to say that there was increased service. In many areas the regions have their own police forces, as we know, but they don't have the advantage of policing by the OPP. Where they have a local regional police force, while this is an increased service, still it is a tremendous and unnecessary increase in expenditure.

I wanted to make clear my feeling that the problem in the Brant area, involving Brantford, can be worked out in a very acceptable way. Brantford can have the room to expand. There are streets of houses for rent in Brantford now. We talk about going to buy a house—we can buy a street of houses in Brantford if we want. The houses are not just serviced—they are built and standing empty.

The member for Brantford very properly concerns himself with the price but unless we are going to opt for the socialist alternative that he is recommending, then really I would say to you that there's no shortage of houses in Brantford and really there is no shortage at this time of space for further and reasonable development. I don't see why Brantford township cannot avail themselves of the services, of the sewage disposal system in Brantford and even the water supply. After all, the original capital came almost 100 per cent from the vote of the moneys from the Legislature of the province of Ontario and if another municipality is going to avail themselves of the service, then of course they would pay their share and no one would expect differently.

Any attitude on the part of the urban areas that all other growth should be frozen and thus apply the kind of pressure that can only lead to some cataclysmic change in the procedures of local government—I believe that approach is irresponsible. It is not in the tradition of government development in our area and anyone who advocates it is certainly courting the wrath of the thinking citizens and taxpayers.

I want to deal briefly with another matter that often occupies my attention and that has to do with the policy of the Liquor Licence Board of the province. Unfortunately the minister is not in his place, but I just want to deal briefly with this because the area that I represent perhaps suffers more

from the inconsistencies in the policy of the Liquor Board, which is essentially the policy of the government, than any other area.

I have brought to your attention on previous occasions, Mr. Speaker, the fact that a number of the townships in my constituency have never had what you might call a "yes" vote. In other words, they are dry townships. There have been votes in a number of the townships which have been lost and in fact the dry status under the law has been maintained.

I have said repeatedly that I feel that the local option approach to this no longer serves the community and that I feel that it should be done away with, but that's another matter. I believe that the approach is ridden with hypocrisy. But dealing with the law as it is, even in those townships which have never voted wet since about 1962 there has been a procedure developing whereby an application for a special occasion permit has been received with some favour with the LLBO. Even though there has never been a yes vote, a permit goes out for a special occasion in which an organization which wants to raise money in support of an arena or a hockey league or any other worthy purpose can in fact do so. These dances and social events are sometimes the highlights of the season in many respects.

I believe it was at the end of Mr. Mackey's tenure as chairman of the LLBO that someone brought to the attention of perhaps the minister, if not the chairman of the board, that these special occasion permits—which began to be issued, I believe, if not under the direction at least with the knowledge of the former Premier, John Robarts—that the approach had changed dramatically. An order went out that no more special occasion permits were to be issued and it was about a year ago now that that happened.

Any of my colleagues who happen to represent areas affected know how dislocating they were. The areas had become accustomed to the fact that they did not have commercial outlets for alcoholic beverages in their area—and had voted against them in fact—but on these special occasions for purposes which the community supported you could go to one of these affairs and buy a drink which you thought was being legally bought and consume it in a manner which you thought at the time was legal.

This was changed just before Christmas when a number of plans had been made and because of the outcry the decision was made—and nothing was said too much about it

although I raised it here in the House—that perhaps the old order would be maintained at least over the festive season and that it would be in the January following that the new and more rigid approach would be applied and so it was.

[3:45]

This might be a surprise to you, Mr. Speaker, but I am not a teetotaler myself and so I don't want to indicate anything other than that in my remarks, but I do feel that the law being as it is and these areas having voted dry, the best thing they could do was to make plans to seek the opinion of the electorate again and if they continued to vote dry, then of course the new tougher regulations would apply. But there is a section of the Act that says you can only have one vote every three years. Most of the townships, having just had a vote, found themselves in the position where the law would not enable them to carry on as was their custom, and there was no recourse.

I asked the minister if we could not amend the law, even giving the Lieutenant Governor in Council the power to authorize a special vote since, in fact, the regulations had been changed without consultation with the Legislature or with anybody else. The application of the regulations had changed. This request was denied, and so we had to make do as we were.

The thing that I found most unconscionable—and here I must express dissatisfaction with the conduct of the officials of the Liquor Licence Board—was that on many occasions, which I have brought specifically to the attention of the chairman of the board by letter, there were applications from these areas in the former sense which were turned down by the board under the new rules and the people concerned then would turn for help, in at least two instances that I know of, to a defeated Conservative candidate in the area—

Mr. Conway: Typical.

Mr. S. Smith: Scandalous.

Mr. Nixon: —and, like that, the decision of the board was reversed. I do not blame the gentleman who was the defeated candidate. After all, as a citizen himself, if somebody comes to him for his advice and his assistance, why shouldn't he give it? But I do say that the law itself is an ass. What is even more unacceptable is the way it is being applied, or has been applied in my personal knowledge, by the Liquor Licence Board.

I want to be fair to Mr. Rice, the chairman, who has written to me saying that it was done in error. But it happened on more than one occasion, and the people in the local community have come to me and said to me, as their member: "What kind of a state of affairs is it when the Liquor Licence Board turns it down and then reverses their decision under those circumstances?"

Mr. Conway: Where is Lorne?

Mr. Nixon: I felt concerned about this and I wanted to bring it to the attention of the minister, because I believe that the basic fault is with the law itself and I would hope that we can move in this Legislature at least to moderate its effect.

The minister in his responses to me has said: "We in the Conservative Party believe in local option"—that's true; they do—"and you, as a Liberal, have said you don't believe in it." But I do not feel that we are serving the cause of the community in any way by this particular course of action.

There is just one further point in this connection. I do feel that we might also amend the liquor laws to make another option available to the community if this law is going to continue. At the present time if the residents of a community are asked to vote yes or no on a liquor question, if they vote yes it means that there must be a commercial outlet in the community, either a liquor store, a beer store, a licensed dining facility, a bar or a lounge—whatever happens to be the question before them. But many of these areas feel they are reasonably well served with outlets and they would like, as one of the alternatives, a question as to whether they would like the Liquor Licence Board authorized to grant special occasion permits under the procedure where, if they are granted, sales can take place in support of certain community non-profit programmes. I wanted to bring that to your attention, sir, since I feel it is a matter which continues to plague us.

Mr. Conway: Patronage.

Mr. Nixon: If I had time—and maybe I do have time—I would like to say a good deal more about this matter. We have been treated to statements by government officials that the drinking age should be raised, that advertising should be controlled, that we ought to have diluted beer instead of the present beer—remember the former member for Niagara Falls said we ought to have near-beer of some sort or something like that? They had all sorts of proposals, but they have done nothing.

One thing we in this House could do is to move toward a banning of liquor and beer advertising in this province. Obviously this is a matter which comes under federal jurisdiction as well, but I would say that one of the simplest ways to move toward that would be to pass legislation in this House directing the Liquor Licence Board not to handle any product that is advertised under the procedures that could be designated in this province.

I'll tell you, with a market of the size that it is in this province, where we as a government make \$350 million profit on the markup alone before we even tax it, that the people who are in the liquor business would very soon, let us say, amend or change their ways. It seems, as we look at the statistics, both in costs in dollars to the taxpayers and in suffering to the community at large, that it is irresponsible of us as legislators to permit the advertising of liquor and alcoholic beverages to continue in this province. I would submit to you, sir, that we must take action to see that that advertising is stopped.

In completing my remarks, I want to say just a word or two further about the Treasurer's attempts to cut costs. I have indicated to you, sir, how inadequate I feel his approach has been. When I see in his own report that close to \$600 million was spent last year in those election gimmicks that were in force for only a few months just before the election, it just appals me; it probably appals me more than anybody else. But then to see the government come forward, with all of the piety they are capable of over these many years and say: "Ah yes, now we are concerned about the cost of government"; where in fact it was our concern, in a way that I feel could have been very effective indeed, with the costs of these programmes that have gone forward.

I simply want to tell you that under the Treasurer's own signature there is a compendium of cost-reducing programmes that should have been accepted by this province. We are spending this year, \$18 million on the Ontario Educational Communication Authority, for educational television. They tell me the programmes are very good. But we already have a public network in Canada, the CBC; we are already well served by the free enterprise system in television and radio; and for us to be continuing to spend \$18 million on establishing what is really just another competitive television network—I say to you that is a mistake.

I believe in educational television, and I was one of the first, back in 1962, to urge the government to move in that direction.

But I wanted educational television that would bring French language and other language instruction into the school system; that would give courses in history and economics and government, and whatever was useful, in the school system. The thought of having a competitive network where you can tune in and see old movies and Judy LaMarsh interviewing all sorts of interesting political characters may be interesting, but I feel that we've got plenty of facilities already. We could save \$15 million there very easily.

There's a clear recommendation, in the special programme review, on the Ontario Institute for Studies in Education. They go through its costs very carefully and they indicate that from all sources they will be paying \$13.2 million for the Ontario Institute for Studies in Education this year. They point out, as I have pointed out so often, that we've got a 40-year lease on that building, built by that famous Canadian, Gerhard Moog, and we're paying \$2.195 million a year for the rent. That includes janitorial service, I don't want to be unfair.

The special programme review makes it clear that those services could be built into the universities of the province, and in fact give us at least as good research capability and facilities for post-graduate work for teachers centred in more than one university—and we could lease out that building and get some money back from it.

The regional offices for education are clearly referred to in the special programme review. They're costing us just over \$11 million this year. The programme review indicates that, in large measure, they are superfluous and that one of the most serious additional costs to the Treasury of this province has been the top-heavy administration of education at the county level—certainly we all know that, but also at the ministerial level where it has grown to be an expensive and unnecessary burden.

So we're looking, in this connection, at a saving of close to \$40 million in education alone. I simply bring that to your attention, sir, because the only thing you may have remembered about any reference that I made to that in the past was that people say, "Well, Nixon's got his figures wrong again."

They're not wrong; and they're still the way they were then. They still come from the Treasurer's own reports, with Max Henderson's signature on it—and who's that nice lady at CFRB?

Mr. Cunningham: Betty Kennedy.

Mr. Nixon: Betty Kennedy, Mrs. Burton; they brought her in as a high-profile, locally well-respected lady. She signed it.

All of these are recommendations that are there and nobody in the government has even looked at it; instead they go out to Paris and close the Willett Hospital, or try to. There's been no coming to grips with the cost of government at all.

The Premier (Mr. Davis) looks around and looks at his friends on the back benches and he says, "What can we do for them? We really need a few more parliamentary assistants; we need a few more chairmen; we need a few more ministers without portfolio." I still don't think he's picked the right ones, mind you. There's one lonely chap sitting up in the back row there who may yet—

Mr. Edighoffer: Poor George.

Mr. Nixon: —be a part of the government; and if he were to become a part of the government, it wouldn't hurt my feelings. But if he's going to come in, then I would say at least those three or four over there should go. That's the kind of reform—well, let's make it five, I don't want to leave out the Minister of Community and Social Services (Mr. Taylor)—

Mr. Conway: They are going, they are going.

Mr. Nixon: But I would say to you that it concerns me, when you look at the report of the Treasurer himself on the costs that are incurred, when you see the interest on our debt in the past year. This is the interest we paid. It was \$867 million in interest alone.

Do you remember in the last election I was saying we're paying \$2 million a day? He says, "Oh Nixon's got his figures wrong." Well we were perhaps a little conservative, because it's well over \$2 million a day. That's Christmas, that's Easter, that's May Day, that's even your birthday, Mr. Speaker. That's every day of the year. It's getting very close to \$3 million a day.

If we look at the information that is provided, and it must be provided under statute, we see that the last time the books of this province were balanced was the last year John Robarts was Premier. It's been down hill ever since; with ever growing deficits, with the cost of government completely out of control, with programmes designed to curry public favour at any cost and with visions of individuals for the development of new cities across the rural areas of this

province. These, I tell you, are just half-baked and are costing the taxpayers millions of dollars every day in interest alone.

There's a good deal that can be said about the budget of this province. It's been a long time since it's been presented. The Treasurer, although he didn't read it to the House, presented us with famous budget paper E which recommends the very far-reaching changes which will see the taxation of schools and the taxation of charitable institutions. It will see the government of the province paying the taxes for the farmers, and everybody sitting opposite who has good connections with the rural community knows the farmers will not stand for that.

Interjections.

Mr. Nixon: I would say on budget paper E that we might as well throw it in the basket, because it will never amount to anything unless the Conservatives—and God forbid—are re-elected with a majority.

Hon. Mr. Irvine: We will be.

Mr. Nixon: If that happens, then of course those recommendations are a very real possibility. It's interesting; I'm getting letters, mostly from the chairmen of separate school boards and things like that, very concerned that the tax exemption of their schools is going to be withdrawn. It really amazes me that the chairman of the public school board is not aware that the tax exemption for all schools, under this proposal, will be withdrawn. It is true.

The government is going to make this up, they say, with grants. But even in the budget paper itself it is clear that the grants will not make up the difference and that there will be an additional burden on local taxpayers.

Mr. Cunningham: Pretty obsolete though; it's absurd.

Mr. Nixon: I believe the proposals are absurd in the extreme—

Mr. Cunningham: Inane.

Mr. Nixon: —and that it's got to be a matter that concerns the electorate right across this province.

Mr. Cunningham: Mindless.

Mr. Nixon: The Premier has been back-peddalling. He's been saying: "Oh no, we're not going to tax the schools and we're not going to tax the churches." Yet it's strange that he would say that when he has created

a royal commission travelling about the province getting the views of the people on this very matter.

These, certainly, are matters of concern to us all. I am certainly confident, of course, in the viability of the province, I'm not crying doom to that extent. But I believe it is our duty to bring to the attention of this House and the citizens of this country and this province the fact that our fiscal and financial affairs are not being managed with a responsible approach to the goals that all of us would wish.

[4:00]

We believe that the most disastrous thing that could happen would be the re-election of a government which is guilty of these programmes, some of which I have attempted to describe this afternoon. In the best interests of the province of Ontario I'm going to work for and hope for and vote for the defeat of the present government and the election of its Liberal alternative.

Mr. Eakins: Round one.

Mr. Speaker: Is there another speaker?

Hon. Mr. Bennett: Mr. Speaker, could I ask for the indulgence of the House to revert to statements by the ministry?

Mr. Speaker: Do we have that consent? Agreed. I wonder, if there is no other speaker—

Hon. Mr. Bennett: I think there's another speaker.

Mr. Speaker: You have another speaker? I'm sorry, I thought that was the last. All right, the hon. minister.

Mr. Maeck: We have some rebuttals.

GSW-CGE MERGER

Hon. Mr. Bennett: Mr. Speaker, I am pleased to rise today and inform the hon. members of this House of a major Canadian business development. Agreement has been reached between GSW Limited, formerly General Steel Wares, and Canadian General Electric Company Limited—CGE—to form a new company which will merge the major home appliance operations and service organizations of both of these companies under Canadian management.

This merger, as an innovative partnership, is scheduled to be completed early next year, on January 4, 1977. The important part of the statement is that agreement in principle

has also been reached with Westinghouse Canada Limited for the new GSW-CGE joint venture to purchase the household appliance operations of Westinghouse Canada. This transaction will be completed as soon as possible consistent with maintaining employment and customer services.

The new company will operate a total of five factories employing 6,000 people. The plant locations in London, Hamilton, Weston, Orangeville, Ontario, and Montreal, Quebec, will be retained.

The senior executives of GSW and CGE have met with the Premier and me and they have assured us that balanced employment will be continued in all manufacturing locations, including the four Ontario plants. In addition, the new company plans to make major capital investments to improve the technical and productive capacity of their facilities and to foster research and development in Canada. I might also add at this point that we have met with the president and one of the senior directors of Westinghouse Canada who wholly support this amalgamation at this time.

Industry and government have worked together in this instance to bring about a partnership which is consistent with the stated strategies, both of the federal government and the provincial government, on the rationalization of the industry and maintaining it under Canadian ownership.

GSW and CGE will each have 50 per cent of the voting shares of the new company. Additional non-voting shares will be issued so that CGE will have 60 per cent of the total equity and GSW 40 per cent. This represents the value of the assets and resources being transferred.

The companies have assured us that at some time in the future it is their intention that the new company will make an offer of additional shares to the Canadian public. I believe that today's announcement is a major breakthrough and will indeed enhance substantially the industrial position in Ontario. In summary, I would like to list the advantages that are derived from the creation of this new major appliance business in our province.

For the first time, Canada will have an appliance manufacturer of world scale, where production volumes in big numbers will permit the company to approach the operating efficiencies of large international corporations. Because of its large scale production technology, the new company will be able to provide a more secure future for its employees.

The new company will be in a position to export to markets where it can stand up to

foreign competition. Domestically, it intends to be aggressive in the market and to seek increased opportunities to reduce imports.

The spin-off effect of this will be felt favourably by Canadian parts and components suppliers as the new expanded company provides support to these suppliers through volume purchases. On behalf of the government of Ontario, I wish to compliment those individuals responsible for the successful formulation of the new GSW-CGE company in partnership with its vital acquisition of Westinghouse's home appliance division.

I would also like to read into the record some of the guarantees which have been afforded to Ontario and Canadian plants. Mr. Ward, who is the president of Canadian General Electric, and Mr. Barford, who is president of GSW, have assured Mr. Chretien and our ministry that, number one, there will be no plant closing.

Mr. Foulds: For how long?

Hon. Mr. Bennett: If members would listen to the rest of the statement they might be interested.

Number two, investment of at least \$50 million over the next five years and plant and production improvement. This investment, they said, will increase the productivity and reduce costs leading to long-term growth of the new company. As employment grows, plans are to maintain the ratio between present facilities. In the meantime, the present Westinghouse plant will continue normal operations.

Over all, the plan and the new company, I believe, gives assurance to the Westinghouse employees of their continued employment. May I say on behalf of the president of Westinghouse, one of his principal concerns at the time of the amalgamation was to make sure that the employees would retain and maintain the secure position of all the fringe benefits they have had, including longevity of service.

Mr. Foulds: On a point of clarification, Mr. Speaker, I wonder if the minister could tell us how long the guarantee is that the company has given that there will be no closures?

Hon. Mr. Bennett: Mr. Speaker, in talking with the management of both CGE and General Steel Wares, it is their intention to eventually streamline the lines and to maintain full employment. They project that over the next few years they will increase employment directly in their factories by about 400. They see the opportunity of reducing by

component supplies the imports of last year—\$160 million to that industry. They see they will be able to reverse that into a Canadian production system, which in itself translates to about 3,000 new jobs. As far as the company is concerned, in the economic advancement that it has now brought into it with the resources it will put into the new technology and development, it sees no curtailment of employment in any plant in the future. Given some economic downturns in market conditions I suppose that would change, as it would for any manufacturer.

Mr. Conway: Just a further point, a very brief point, Mr. Speaker, for clarification. The minister's statement makes reference to—I think balanced employment was the term, am I right, in saying that? Would he, in respect to the point raised by my hon. friend from Port Arthur (Mr. Foulds), care to tell what he might mean by balanced employment?

Hon. Mr. Bennett: Yes, Mr. Speaker, at the moment, as I have indicated, there are five plants. Some of them are in multi-lines of appliance development and production systems. And it is my understanding that what they intend to do eventually is to start streamlining the plant facilities into specific lines, particularly those that they might export. What they are saying is, as a result of streamlining each plant there will be no reduction of employment. The balance position will be maintained. There could be some advancement of employment in some of the areas without any difficulty at all.

BUDGET DEBATE

(continued)

Mr. Speaker: The next speaker in the debate, the hon. member for Brantford.

Mr. Makarchuk: I would like to join this debate in the time that is available right now, and basically I have to answer some of the things that have been raised by the member for Brant-Oxford-Norfolk (Mr. Nixon).

First, to put the record straight, and certainly there are always two sides to the story and I think the House has to hear some of the other side, particularly as the situation develops in Brantford and Brant area. I would like to caution the Minister of Housing (Mr. Rhodes), should he ever decide to try and cancel the development of the Townsend site, which seems to be the thrust of the Liberal policy, what it really

means to the people in that area or the people who will be moving into that area.

There is a major steel complex that will be going into operation in about one and a half years from now, there's an oil refinery, there are other industries that are planning to move into that area; there will be a labour force developing in that area of about 5,000 people over the period of the next three or four years. These people, who will be making reasonably average wages, will certainly want housing.

What the member for Brant-Oxford-Norfolk forgets to mention when he suggests the idea that the provincial government kill the development of the Townsend site, is he doesn't talk about the price of housing and he doesn't talk about the price of lots. When there is no competition in an area, as there is none in that area; when the land is held by a few major developers; what happens is that the cost of lots goes up and consequently the cost of housing goes up. Despite the protestations and everything else, when the Liberals have to decide on whose side they are going to fall, are they going to fall on the side of will we provide affordable housing or are they going to end up on the side of protecting their speculator friends, they always fall on the side of their speculator friends.

As an example; in the Brantford area, when we tried to bring in publicly-initiated housing which would have provided single-family homes on reasonable lots of 50 feet by 100 feet, the local Liberals killed the project. I want that to be clear. They went out and sided with the UDI; they lobbied, they persuaded some other members of council, and the project was killed.

Mr. Nixon: Point of order, Mr. Speaker, who is—

Mr. Makarchuk: There is no point of order.

Mr. Nixon: Who are local Liberals? I don't believe he can say somebody killed some kind of a programme he had for affordable housing and blame it on local Liberals.

Mr. Foulds: He just did.

Mr. Nixon: Is there anybody you want to accuse of that by name?

Mr. Makarchuk: Mr. Speaker, I can say it—I just did—they killed the project.

Mr. Nixon: You don't want to name them?

Mr. Conway: Would you care to amplify that? Would you care to give us a few names? You have two hours.

Mr. Makarchuk: Yes, certainly I could give the names and everything else, but the point is the city did initiate a project; we managed to get one small project through, 15 houses that we sold at \$32,000 to the people. I may add that was probably the only place in Ontario where people were able to buy single-family homes at that price.

Mr. Conway: Any names though? You have lots of time, just give us two.

Mr. Makarchuk: Oh absolutely, lots of them.

Mr. Foulds: Sean Conway.

Mr. Makarchuk: I would like to move from there and to go into the local government situation. It seems, again, that the member for Brant-Oxford-Norfolk has suddenly discovered there is a local government problem in Brantford. I would like to look at the history of this and point out to him that on October 13, 1964, there was a resolution passed by Brantford township council asking for a local government study that was forwarded to all the municipalities. On April 12, 1965, Mayor Beckett, whom you all know, and Warden Howell, whom I'm sure the member for Brant-Oxford-Norfolk knows, wrote the Hon. John Spooner, then Minister of Municipal Affairs, asking that he—

Mr. Nixon: Wilfrid Spooner.

Mr. Makarchuk: —Wilfrid Spooner, a friend of the member from Timmins—asking that he convene a meeting to explore the possibility of a study in the Brant area. I could go on with the chronology, but there were meetings in 1965, 1966, 1967, 1968, 1969, 1970 and 1971. Darcy McKeough moved into the picture approximately in 1970—June 5, 1970—and he still is in the picture.

The point in all this is that there have been continuous discussions in that area to resolve some of the problems developing there. The latest, or the most major report that was of interest—or study that was done—was the Smith report; by Howard Smith who was appointed as commissioner to do a study on the area in 1972.

The report was presented; council considered it, county considered it, the various townships considered it. They decided they couldn't agree on that, so they got a report from the top civil servants or the top municipal officials in the county, in the townships and in the city, to try and resolve the same thing. They came out with what they

called Brantford Area Local Government Review Report.

Again, it provided various options to try and resolve some of the impending problems. The discussions went on, and they've been going on, and absolutely nothing has happened. It's a case that certain people are very happy where they are and they've been managing to manipulate the city council, which in effect thought there was some genuine concern to resolve this problem, or felt there was.

I didn't when I was in council, and I told them so and made no bones about it. But in frustration they finally decided to do something about it, and this is what they've done:

They've gone to visit the Treasurer, and meetings are planned again in the Treasurer's office, to try and resolve this thing. The meetings, I may add, are between county and township as well as city officials.

I'd like to point out some of the problems that have developed. The serious problem that came to light, resulting from lack of any kind of restructuring or regionalism or whatever it was in that area, was the matter of health. In the county, the township was not able to treat its sewage properly and the area could have had hepatitis develop. The city was persuaded, and I was a member of council at that time, that in order to bail them out of their own foolishness it would put in the sewers; and of course take the sewage and treat it for which they were not really paying.

[4:15]

There are other matters involved. The city provides a transportation system, the system is subsidized in some portion by the province, but it also is subsidized by the city taxpayers. The township residents also use the same system; they do not pay a cent for the operation of the system.

There is the matter of libraries, which the city provides and the township does not pay for. There is the matter of recreation, which the city again provides and the township does not pay for. The city also has to provide the services for the hospitals, but the township does not pay for these things. I could go on in great detail, quoting specific dollars and cents, as to the amount of money that the city taxpayer has to raise—

Mr. Nixon: Do you pay for the Brantford General Hospital?

Mr. Makarchuk: Yes, as a matter of fact, we provide the services. That's not taxable,

I would suggest to the member over there. He should be aware of this fact.

Mr. Nixon: You mean they use the sewage disposal system the province built for you?

Mr. Makarchuk: Well, the province built the system, but I think the member for Brant-Oxford-Norfolk should realize that when you have an institution in a community and one community pays for the services for that institution, whereas another community uses it but doesn't pay for it, even to him it should seem to be unfair.

Mr. Nixon: There was a centennial grant from Brantford township which went into the arena. Now they can't even play there.

Mr. Speaker: Order, please.

Mr. Makarchuk: What it really boils down to, Mr. Speaker, is that you have a form of municipal welfare "bum-ism," where one community is sitting on the edge of another community, paying lower taxes, but using all the facilities provided by the city and putting the load on the city taxpayers. The member for Brant-Oxford-Norfolk is prepared to live with that. He thinks that's great.

I would like to point out some of the other areas of concern. There is the matter of industrial land. In terms of growth and industrial land, the city will have to acquire land in order to plan effectively for future growth and to decide where the transportation corridors are supposed to go, where the sewers are supposed to go and so on. Again, the city is not able to do it because the township lies all around the city and the city is the hole in the smaller doughnut.

There's the matter of zoning, which again is a concern. The member for Brant-Oxford-Norfolk pointed out that the shopping centre was built within the city, but the only people at that time who were fighting the shopping centre in the community were local NDPers. The local Liberals and Tories thought it was a great thing to put a shopping centre up there. The same Liberals, I may add, friends of the member for Brant-Oxford-Norfolk, insisted on putting it there.

Mr. Nixon: Oh, gosh. Are those people elected to the council only NDP?

Mr. Makarchuk: In the House he squawks about this foolish decision, but of course it was his own friends who made this foolish decision.

Mr. Nixon: They are all my friends. Even the NDPers on the council are all my friends.

Mr. Foulds: You are in trouble then.

Mr. Makarchuk: At that time, they had consultants' reports indicating that about 40 per cent of the money that was going to be spent in the downtown area was going to move out and the downtown was going to suffer, etc. That didn't stop them. They put it out there anyway.

An hon. member: Did he support it?

Mr. Makarchuk: Yes, he did support it, as a matter of fact.

Mr. Speaker: we have a problem now. We have had problems before—

Mr. Nixon: Brantford really has a problem—and he is speaking right now.

Mr. Makarchuk: We could allow this problem to continue. We could allow the downtown to deteriorate. But that's not going to solve the problem. The time has come when we must start doing something about this situation—

Mr. Nixon: You did that when you tore down the city hall.

Mr. Makarchuk: Therefore, one of the things we cannot do is allow future development of urban shopping centres. That is the concern; it is not a desire to freeze all development in Brantford township. The point is that recently, because of the lifting of a zoning restriction, Brantford township was permitted to build additional commercial space in a mall in the township. That space, attached to an existing 30,000-square-foot store that was phased out, gives the township another 50,000 square feet of space and will cause a major department store in the downtown area to move into the mall—

Mr. Nixon: Why didn't you think of that before you opened Lynden Park?

Mr. Makarchuk: Well, we could continue making more problems, but it is not going to resolve it.

Mr. Nixon: You certainly made one there, according to your philosophy.

Mr. Makarchuk: I said now is the time to stop this foolishness that the hon. member's friends have been perpetrating and to deal with the problem.

Mr. Nixon: Are you talking about the people elected to Brantford council?

Mr. Makarchuk: Yes, of course—and others who are friends. The local speculators had a lot to do with the problem.

Mr. Speaker: Order, please. Only one person has the floor and that's the hon. member for Brantford.

Mr. Makarchuk: Anyway, we cannot let the downtown deteriorate and we cannot ensure viable economic commercial activity in the downtown area until such time as we have some control to prevent stores or other commercial establishments from going into the suburban area. The only way we can do that is to have some zoning or some controls. We have neither. Consequently we have a problem. These are some of the things that concern Brantford.

The city of Brantford did provide some ideas or some solutions to the minister in their discussions. They suggested what can be done. One thing they suggested was what the member for Brant-Oxford-Norfolk said, to reorganize the whole county of Brant on a one-tier basis thereby encouraging a co-ordinated approach.

I don't think that that approach is going to meet with any success. I have a feeling that should any attempt be made to move in that direction there will be resentment. The resentment to a point is justifiable, because anywhere any kind of restructuring has gone in on a large scale the costs have gone up. Something the member for Brant-Oxford-Norfolk did not say when he presented his selective statistics is the fact that in the Brant area the per capita municipal spending without regional government is the same as it is in the Niagara area with regional government.

Mr. Maeck: What does the member for Brant-Oxford-Norfolk say to that?

Mr. Nixon: You said I was wrong before now, I remember. The facts are right there.

Mr. Makarchuk: The other scenarios that were presented by the city were that the county be divided up into two areas; that you have one area as a city-centred area of approximately 40,000 acres and another area which would be centred on Paris for the rest of the county; in effect you would have two municipalities.

The third suggestion was that the city expand its boundaries through annexation. In other words, if they annexed they would have to annex the Brantford township area. The next was very similar, with a buffer zone—

Mr. Nixon: The next one is leave it alone and make it work.

Mr. Makarchuk: The member for Brant-Oxford-Norfolk says leave it alone and it will work.

Mr. Nixon: Make it work.

Mr. Makarchuk: The problem is it is not working.

As I said, there is a downtown problem. There is no room for residential development. There is no way we can plan the outside areas. There is no direction, no sense of a community moving as a whole. We know there are going to be pressures on the area in terms of growth and in terms of industrial development, and there is no way to cope with it.

There is no dialogue, really; there is no direction. If there is a dialogue, there is a certain feeling, shall we say of: "Leave us alone in the township. We will only allow housing with a minimum of 1,500 square feet." It is the old philosophy, the Grosse Point philosophy on the outskirts of Detroit. We will have lily white suburbs over here and the rest of you people just stay in the city; and if you have problems that is too bad.

Mr. Nixon: Are you suggesting racial prejudice on Brantford township council?

Mr. Makarchuk: We are not suggesting racial prejudice and the member knows it. What we are saying is that people who need housing and are working in the industrial jobs that exist in the city of Brantford, these days would not be in a position to buy housing in those areas.

Mr. Nixon: What you are saying is everybody who doesn't agree with you should be abolished.

Mr. Foulds: No, just you.

Mr. Makarchuk: They will be left to the city; the city will have to look after this class of people while another class of people is going to get established in Brantford township. This is the direction in which they are driving.

At this time the city of Brantford is faced with a \$9 million expansion of a sewage treatment plant. Again, most of the capacity in that plant is designed to service the areas that are in the township. At this time the sewage treatment system has capacity left for only 32 more building units. We have to move in that direction. Again, who is

going to finance it? Who is going to pay the cost? These things aren't sorted out.

Mr. Nixon: The province of Ontario, as it always does.

Mr. Makarchuk: There is no way; in other words, the city will have to bear the burden.

What we are concerned about here is that when we are dealing with municipal problems we can't look at just a little portion of a community, we have to look at them in terms of what we have got to do that is going to benefit the whole community. That is the concern in Brantford. Neither Brantford township, nor Paris, nor Brant county can live in isolation. They have to live together and they have to work together.

Mr. Nixon: They live in the county of Brant, they have a county council.

Mr. Makarchuk: In order to do that there has to be some kind of planning and some co-ordination. The community is reaching a crisis stage.

The smallest thing I can ask of the member for Brant-Oxford-Norfolk is to show some sense of responsibility because it is not only Brantford that is going to suffer it is the whole area that is going to suffer unless we move in some direction, either to annexation or some kind of restructuring to resolve these problems.

Mr. Speaker, I move the adjournment of the debate.

Mr. Speaker: Mr. Makarchuk moves the adjournment of the debate. Shall the motion carry?

Mr. Nixon: On a point of order, Mr. Speaker, is the hon. member finished with his remarks?

Mr. Speaker: I was just going to clarify that. Is the hon. member finished with his remarks?

Mr. Makarchuk: I might continue next Friday, Mr. Speaker.

Mr. Nixon: We are prepared to listen to more now, it is only 4:25.

Mr. Speaker: If you are finished then we'll move the adjournment of the debate.

Mr. Makarchuk: I'm sorry, Mr. Speaker. The agreement, I think, between the whips, was that there would be about 15 minutes available to me and I would adjourn the debate.

Mr. Nixon: On a point of order, I'm not aware of that agreement and normally a person gets to speak once in this debate.

Mr. Speaker: I would think the proper thing would be if the hon. member has more to say he should continue; if not, he or someone should move the adjournment of the debate and continue the next day, unless there has been other agreement.

Mr. Deans: He's already moved it.

Mr. Nixon: I simply point out, Mr. Speaker, that if the hon. member is not prepared to continue his remarks now, someone else should move the adjournment of the debate. Why should he decide that he's finished and we should all go home? We stayed in here to listen to the debate; maybe somebody else would like to speak.

Mr. Speaker: We will deal with that.

On motion by Mr. Makarchuk, the debate was adjourned.

On motion by Hon. Mr. Irvine, the House adjourned at 4:25 p.m.

CONTENTS

Wednesday, November 10, 1976

Report on name changes, statement by Mr. McMurtry.....	4593
Expropriation order, statement by Mr. McMurtry.....	4593
Royal Agricultural Winter Fair, statement by Mr. W. Newman.....	4593
Public health nurses, questions of B. Stephenson and Mr. Davis: Mr. Deans.....	4594
Manpower policy, questions of B. Stephenson: Mr. Deans.....	4594
Teacher's pension, questions of Mr. Wells: Mr. Deans.....	4595
Rent review, questions of Mr. Handleman: Mr. Deans, Mr. Cassidy.....	4595
Land speculation tax exemption, questions of Mr. Meen, Mr. S. Smith.....	4596
Core curriculum, questions of Mr. Wells: Mr. S. Smith, Mr. Sweeney, Mr. Ferris.....	4596
US visitors to Ontario, questions of Mr. Bennett: Mr. S. Smith, Mr. Samis, Mr. Yakabuski	4598
Compulsory sterilization of female employees, questions of Mr. F. S. Miller: Mr. Breaugh	4599
Farm income stabilization plan, question of Mr. W. Newman: Mr. Riddell.....	4600
Ottawa Journal lockout, questions of B. Stephenson: Mr. Cassidy.....	4600
UTDC-ONTC train deal, questions of Mr. Snow: Mr. Sargent, Mr. Kerrio.....	4601
Shabaqua Corners-Thunder Bay route, questions of Mr. Snow: Mr. Angus, Mr. Foulds.....	4601
Cable television service, question of Mr. Rhodes: Mr. G. I. Miller.....	4602
Influenza vaccinations, question of Mr. F. S. Miller: Mr. Williams.....	4602
Premier Woodworking, questions of B. Stephenson: Mr. Bounsall, Mr. Lupusella.....	4603
Wintario, questions of Mr. Welch: Mr. B. Newman, Mr. Bain, Mr. Gaunt.....	4603
Death of construction worker, questions of B. Stephenson: Mr. Lupusella.....	4604
Automobile insurance, question of Mr. Handleman: Mr. O'Neil.....	4604
Point of privilege on questions re rent review, Mr. Cassidy.....	4605
Report, Ontario Development Corporations, Mr. Bennett.....	4605
Report, administration of justice committee, Mr. Lawlor	4606
Third readings	4606
Budget debate, continued, Mr. Nixon.....	4606
GSW-CGE merger, statement by Mr. Bennett.....	4618
Budget debate, continued, Mr. Makarchuk	4620
Motion to adjourn debate, Mr. Makarchuk, agreed to.....	4624
Motion to adjourn, Mr. Irvine, agreed to.....	4624

SPEAKERS IN THIS ISSUE

Angus, I. (Fort William NDP)
Bain, R. (Timiskaming NDP)
Bennett, Hon. C.; Minister of Industry and Tourism (Ottawa South PC)
Bernier, Hon. L.; Minister of Natural Resources (Kenora PC)
Bounsall, E. J. (Windsor-Sandwich NDP)
Breagh, M. (Oshawa NDP)
Breithaupt, J. R. (Kitchener L)
Cassidy, M. (Ottawa Centre NDP)
Conway, S. (Renfrew North L)
Cunningham, E. (Wentworth North L)
Davis, Hon. W. G.; Premier (Brampton PC)
Deans, I. (Wentworth NDP)
Eakins, J. (Victoria-Haliburton L)
Eaton, R. G. (Middlesex PC)
Edighoffer, H. (Perth L)
Ferris, J. P. (London South L)
Foulds, J. F. (Port Arthur NDP)
Gaunt, M. (Huron-Bruce L)
Handleman, Hon. S. B.; Minister of Consumer and Commercial Relations (Carleton PC)
Henderson, Hon. L. C.; Minister without Portfolio (Lambton PC)
Hodgson, W. (York North PC)
Irvine, Hon. D. R.; Provincial Secretary for Resources Development (Carleton-Grenville PC)
Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
Kerrio, V. (Niagara Falls L)
Lewis, S.; Leader of the Opposition (Scarborough West NDP)
Lupusella, A. (Dovercourt NDP)
Maeck, L. (Parry Sound PC)
Makarchuk, M. (Brantford NDP)
McMurtry, Hon. R.; Attorney General (Eglinton PC)
Meen, Hon. A. K.; Minister of Revenue (York East PC)
Miller, Hon. F. S.; Minister of Health (Muskoka PC)
Miller, G. I. (Haldimand-Norfolk L)
Moffatt, D. (Durham East NDP)
Newman, B. (Windsor-Walkerville L)
Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
Nixon, R. F. (Brant-Oxford-Norfolk L)
O'Neil, H. (Quinte L)
Parrott, Hon. H. C.; Minister of Colleges and Universities (Oxford PC)
Peterson, D. (London Centre L)
Philip, E. (Etobicoke NDP)
Reed, J. (Halton-Burlington L)
Renwick, J. A. (Riverdale NDP)
Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
Riddell, J. (Huron-Middlesex L)
Rowe, Hon. R. D.; Speaker (Northumberland PC)
Samis, G. (Cornwall NDP)
Sargent, E. (Grey-Bruce L)
Smith, S. (Hamilton West L)
Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
Stephenson, Hon. B.; Minister of Labour (York Mills PC)
Stokes, J. E.; Deputy Speaker (Lake Nipigon NDP)
Sweeney, J. (Kitchener-Wilmot L)
Welch, Hon. R.; Minister of Culture and Recreation (Brock PC)
Wells, Hon. T. L.; Minister of Education (Scarborough North PC)
Williams, J. (Orion PC)
Yakabuski, P. J. (Renfrew South PC)



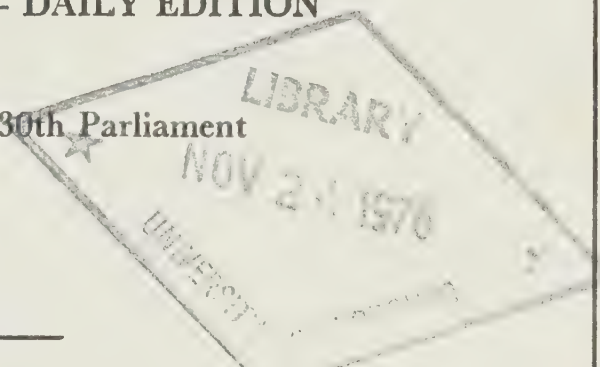
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Third Session of the 30th Parliament



Monday, November 15, 1976

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. (Phone 965-2159)

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LEGISLATURE OF ONTARIO

MONDAY, NOVEMBER 15, 1976

The House met at 2 p.m.

Prayers.

Mr. Speaker: Statements by the ministry.

HIRING OF CANADIAN PERSONNEL BY UNIVERSITIES

Hon. Mr. Parrott: Mr. Speaker, last April I informed the Legislature about the citizenship of faculty at Ontario universities. Recently the Council of Ontario Universities published statistics on the 1976-77 appointments and these have now been reviewed.

It would appear that this year the universities appointed a proportion of Canadian citizens, and landed immigrants already in Canada, of about six percentage points higher than last year. However, the marked changes in the way the data were collected make exact comparison with last year's data impossible. The new method records the immigration status of individuals at the time of a job offer being made. This highlights more accurately the area that deserves scrutiny, namely the number of non-Canadians newly entering Canada to assume faculty positions. This base will be used to evaluate progress in succeeding years.

I am confident that more progress will be made in future years because the universities will have more lead time to implement our policies, agreed to by the presidents. I've discussed this issue at some length with several presidents and I know the procedure has been adopted by all presidents. I know, too, that they gave their personal review of all appointments this year and I believe these procedures will be maintained.

The COU data also show that 83 visiting professors were appointed. These visiting professors are expected to return to their permanent appointments at other universities after a brief stay. Of these, 46 were visiting from other countries. We want to foster such arrangements which ensure the free flow of scholarship.

There has been some confusion over our policy toward the appointment of landed immigrants. I would like to state, without

qualification, that we consider landed immigrants already working in Canada at the time an offer of employment is made, to be as eligible for faculty appointment as are Canadian citizens. Indeed, some of these landed immigrants appointed are graduates of our own universities. This is obviously beneficial.

The confusion arose because in 1975-76 about 70 per cent of the landed immigrants appointed entered Canada after appointment or just prior to being appointed. These cannot be regarded in the same light as appointments of landed immigrants already in Canada. We believe that recruitment outside Canada of non-Canadians for full-time positions should only be done when it has been demonstrated that no qualified Canadian or established landed immigrant is available for that position. It appears that universities are themselves implementing such a policy because fewer newly-entering non-Canadians were appointed this year.

Last year about 72 per cent of all faculty members in Ontario were Canadian. In Britain 92 per cent of faculty are British, in the United States 98 per cent are US citizens, and in Sweden 99 per cent are Swedish citizens.

Mr. Cassidy: That's socialism for you.

Hon. Mr. Parrott: All these countries have prestigious universities. Clearly, scholarship does not depend on having a large component of foreign faculty. We need make no apologies for attempting to ensure that Ontario universities are distinctively Canadian.

Hon. members will recall that when I last reported to the House on this subject I mentioned that discussions were being held with the Department of Manpower and Immigration. These discussions are proceeding favourably and I expect to be able to report on progress in the near future.

Our goal is not the pursuit of a magic Canadian percentage for our faculty; it is the assurance that qualified Canadians and established landed immigrants are not being displaced by newly-entering non-Canadians.

The improvement shown by most institutions, the attention being given to this issue

by the Department of Manpower and Immigration and the continuing commitment of the presidents to ensure that Canadians and established landed immigrants are adequately considered, suggest that we may be optimistic. We will continue to monitor faculty appointments and I will keep the House informed.

STUDENT ENROLMENT IN AGRICULTURE

Hon. W. Newman: Mr. Speaker, I am pleased to inform the members that this year's enrolment in the two-year diploma programme in agriculture is the highest it has ever been. Five hundred and eighty-five first-year students are enrolled in the province's four colleges of agricultural technology—

Mr. Cassidy: Train them to understand your programmes.

Hon. W. Newman: —and the University of Guelph. The total number of students in the two years is 1,180. This represents a 45 per cent increase in the past five years. I am particularly pleased to note that first-year enrolments in the colleges at Kemptville and Centralia are up about 40 per cent over last year. The programmes presented by the four colleges and the University of Guelph offer diplomas in the broad fields of agricultural production and management, laboratory technology, business and commerce, home economics, food service management and animal health technology.

Mr. Speaker, I believe these increased enrolments show the high degree of confidence young people have today in the future of agriculture in Ontario. Their confidence is justified.

Mr. Cassidy: Not through you.

Hon. W. Newman: More than half the graduates of these courses are able to return to the farm each year, while the remainder are employed by industries related to agriculture.

Mr. Mancini: Great man.

Mr. Speaker: Oral questions.

NORTHERN ONTARIO AIR SERVICES

Mr. Lewis: A question of the Minister of Natural Resources in three brief parts: Has the minister written to the federal government to ask them for a public inquiry into

air transportation in the north, northern Ontario in particular? In the absence of that, will Ontario initiate its own public inquiry? And in the absence of that, which of the specific jury recommendations which were made on the crash at Fraserdale will this government now hasten to implement?

Hon. Mr. Bernier: Mr. Speaker, I indicated publicly when I was in the Timmins area that I would await the report of the coroner's inquest prior to making any appeal to the federal government for an inquiry into the air services in northern Ontario. I did not wait for that coroner's report to come down. I took the initiative, I think six or eight weeks ago, and I wrote the federal Minister of Transport urging him to get on with a full-fledged investigation into all air traffic movement in northern Ontario, because I felt that many of our very good operators—and we have many good operators in northern Ontario—are being pulled down, as I said in the newspaper yesterday, to the lowest common denominator. I did not zero in on the private sector.

I also indicated that maybe the public sector should also be investigated as it relates to airstrip development, navigational aids and the dissemination of weather information. That has gone to the federal Minister of Transport. I have not received a reply as yet. I also indicated in my correspondence to the minister that I was prepared to offer the services of my ministry to work with him in this particular investigation.

Mr. Lewis: By way of supplementary, in the absence of any reply, or in the absence of a favourable reply, will the minister make the necessary alterations which were requested by the coroner's jury, related to the availability of weather information, the marking of hydro lines, etc.? Would he consider, in addition, a public inquiry held in Ontario by Ontario?

Hon. Mr. Bernier: Mr. Speaker, I am hopeful we will have a favourable reply from the federal authorities. As the hon. member is fully aware, the control of air traffic in this country is a federal jurisdiction, and it is their total responsibility. I can assure him we will use all the weight we can muster from this government to lean on them to correct the situation, which has attracted considerable public attention.

Mr. Foulds: Supplementary: I wonder if I could ask the minister if he has actually discussed this in cabinet, in particular in relationship to his colleague, the Minister of

Transportation and Communications (Mr. Snow), with regard to the upgrading of the microwave equipment, which I believe is a provincial MTC responsibility?

Hon. Mr. Bernier: Yes, Mr. Speaker, we've had some verbal conversations on this aspect.

Mr. Foulds: Has the minister made any decision or plan of action to improve that, especially in view of the previous crash and coroner's jury report as a result of the crash near Red Lake, I believe one and a half or two years ago?

Hon. Mr. Bernier: No, Mr. Speaker, there has been no formal decision reached as yet. We are awaiting, of course, the outcome of my correspondence to the federal government.

Mr. Lewis: I am glad your conversations were verbal. That's reassuring.

REED PAPER

Mr. Lewis: May I ask the minister, on another subject, has he discussed with the Premier (Mr. Davis), or does he have any response to the categorical refusal on the part of Treaty 9 to participate in the environmental hearings that have been established to deal with the Reed Paper transaction?

[2:15]

Hon. Mr. Bernier: No, Mr. Speaker, I have had no formal communications with Mr. Rickard and I have not had an opportunity to discuss it with the Premier yet.

Mr. Lewis: By way of supplementary, may I ask the minister to make a statement to the House—or perhaps request the Premier to do that—when he has evaluated the letters they sent to him, so that we know where we go from here?

Hon. Mr. Bernier: Mr. Speaker, I'll bring this to the attention of the Premier and discuss it with him personally.

Mr. Lewis: A further question to the Minister of Natural Resources, if I may. Did he notice that in an interview which Mr. Billingsley, the president of the Reed Paper company, gave to the Globe and Mail he indicated that when the government took specific initiatives around economic or social improvements for Whitedog and Grassy Narrows the Reed Paper company would be willing to consider financial support and involvement to compensate for what was done? Has the minister talked to the company

specifically about the financial underwriting of any such support or compensation for the native people?

Hon. Mr. Bernier: No, Mr. Speaker, I have not, but since reading that particular article I intend to make it a point to speak to Mr. Billingsley to clarify what he meant by that statement.

ENVIRONMENTAL ASSESSMENT EXEMPTIONS

Mr. Lewis: A question, if I may, of the Minister of the Environment: Given the enormous public controversy around certain environmental projects, would he agree to submitting to the Environmental Assessment Board under The Environmental Assessment Act the question of the placement of the bridge across the Elora Gorge and the increasingly contentious matters of the West Montrose dam?

Hon. Mr. Kerr: Mr. Speaker, as the hon. member knows, this has been a controversial issue for some time.

Mr. Lewis: Right.

Hon. Mr. Kerr: The conservation authority has been approached on a number of occasions, not only by some of its own members, but by citizens' groups in the area. They feel that the planning of the project is such that it should go ahead. Certainly if there is representation to me at this stage I would consider the possibility of the Environmental Assessment Board looking into it. But I must emphasize, as I say, it has been under consideration for some time.

I am not sure, but I believe it is one of the projects that are exempt under the environmental assessment regulations—projects that were made exempt as a result of our phasing in of other than government projects, although there was one project that the Grand River authority wanted included, but that wasn't one of them. I would have to discuss this with my people and with the conservation authorities to see what stage it's at. As the hon. member knows, it's in the courts. It may still be subject to some—

Mr. Lewis: It is out of the courts.

Hon. Mr. Kerr: Well, I believe there's still one avenue of appeal left; whether or not that will be taken, I am not sure.

Mr. Makarchuk: Supplementary: Can the minister indicate at this time what reply he is

going to give to the Minister of Natural Resources on the request made by the Grand River Conservation Authority to MNR, which was passed on to his ministry, regarding the feasibility of handing over the 1.2 acres of land to the county of Wellington?

Hon. Mr. Kerr: I'm not sure, Mr. Speaker, why the Ministry of the Environment would be involved in a land transfer. I'm not quite sure. Did the member say the Ministry of Natural Resources has written to the Ministry of the Environment making this suggestion?

Mr. Makarchuk: That's right.

Hon. Mr. Kerr: I'm not aware of that correspondence. I'll have to look that up.

Mr. Makarchuk: Supplementary: Would the minister then table in this House his reply to the request from the Ministry of Natural Resources?

Hon. Mr. Kerr: Yes, Mr. Speaker, I would be happy to do that.

Mr. Worton: Supplementary: In reply to the Leader of the Opposition, the minister mentioned the Environmental Assessment Board and I thought he had given us a commitment in regard to the dam project that that would be covered under that board?

Hon. Mr. Kerr: I am not sure, Mr. Speaker, if the hon. member is referring to the Elora Gorge, whether or not there has been any commitment—

Mr. S. Smith: Montrose dam.

Hon. Mr. Kerr: The Montrose dam project? I am sure there is no reason why that can't be included.

Mr. Worton: I thought the minister said that was. Can he give us the assurance?

Hon. Mr. Kerr: Certainly.

Mr. Lewis: That's good. Then he will consider the Elora Gorge.

PREMIER WOODWORKING

Mr. Lewis: I have a question of the Minister of Labour who I see has just arrived from the conference. May I ask her whether she can explain why the Workmen's Compensation Board rehabilitation division continued to deal with Premier Picture Frame in the placement of workers in what is essentially a hostile industrial ghetto framework, when as far back as 10 or 11 months ago the

rehabilitation branch was on record in letters to at least one of the members of the Legislature that it knew of the problems at Premier and was not happy about them?

Hon. B. Stephenson: I have not seen a copy of the letter to which the hon. member refers. I would tell him first that the president and owner of Premier Picture Frame, a Mr. Robert Jovanovich, is himself an injured workman, a graduate of the rehabilitation programme of the Workmen's Compensation Board and is, I think, perhaps particularly knowledgeable about the problems which injured workmen may have. There may have been some correspondence 11 months ago; I have not seen that letter and I would most certainly like to have a copy of it.

However, during the past two years there have been 19 trainees in the on-the-job training programme sent to Mr. Jovanovich and his company, of whom seven at least are still with that company. Four of these 19, I gather, were ceased as a result of recurrence of their compensable illnesses at some time during their training programmes. Three of them were very shortly found, within the term of employment or on-the-job training, to be unable to cope with the job and were released regardless of the light nature of the work. They were released within a very short time of being taken on the programme.

Three apparently were considered unsatisfactory as a result of their loss of time from work, their incompatibility with the employer and poor quality of work, and they were also released during the training programme.

Since the programme ceased for at least three of them within six months of the cessation of their training programmes, three more have been terminated. There is one who is continuing right now with the training programme on the job. Five who have been graduates of the programme are currently employed by the company and have continued so up to two years. One of the latter, as a matter of fact is a foreman.

I'm sure there are problems, which are being investigated. The Workmen's Compensation Board has assigned a specific vocational rehabilitation officer to deal with the 10 or 11 people who have complained about their dealings with Premier Picture Frame. This specific officer is attempting to find them other employment.

The problem of on-the-job training and rehabilitation is not easy. It requires a great deal of patience. Some of the employers who have, I would remind the hon. members, since April 1 this year provided 222 places

or new jobs for injured workmen within the province are attempting valiantly—these are private employers—to assist the board in its programme of rehabilitation of injured workmen.

Whether there is a specific personality problem in this situation or not, I do not know at this time. I can tell the House that we are continuing to investigate this. We are continuing to talk to Mr. Jovanovich, who seems to be particularly concerned but perhaps is an employer who, because of his experience, expects more of his employees than some others would. It is particularly significant to realize that he himself has been through this programme and believes it's a worthwhile programme and is prepared to continue with it.

I am a little concerned that perhaps this unfavourable publicity related to one specific company may not allow other employers, who might be encouraged to consider this kind of activity, to continue with the programme in which they are voluntarily co-operating.

Mr. Lupusella: Supplementary: Could the minister tell the House how the rehabilitation branch of the Workmen's Compensation Board can work effectively in assisting injured workers to find a job, when the board is giving approximately 115 cases per rehabilitation officer, while the total number of rehabilitation officers, including people working at the rehabilitation hospital, is approximately 110?

Hon. B. Stephenson: Mr. Speaker, if that figure is exact then the work load of the officers is not at the level at which the hon. member has stated it is. During the past year there were approximately 2,400 injured workmen rehabilitated through the rehabilitation process and they are the responsibility of the rehabilitation officers.

Mr. Speaker: The final supplementary on this; the member for Downsview.

Mr. di Santo: I would like to ask the Minister of Labour: One, is she aware that the workers who were separated were actually physically ejected from the plant by Mr. Jovanovich; and two, if it is true that there have been only 222 workers retrained on the job and if there are 2,400 retrained, can she tell us how the other 2,200 workers have been retrained?

Can she also explain to us whether it isn't true that most of the workers who are supposed to be retrained actually have to go to

the companies and report to rehabilitation officers in order to get the supplement?

Mr. Speaker: Order, please. Is there a brief answer to that? I am not sure how it relates to the original, but—

Hon. B. Stephenson: Mr. Speaker, I have no knowledge that any of these people were physically ejected. Secondly, I said that since April 1, 1976, in six months, 222 new jobs had been developed by voluntary employer participation in this programme; and that the rehabilitation officers are responsible for 2,400 workers who were injured, but the programmes are not necessarily on-the-job training.

The 222 jobs I mentioned were on-the-job training jobs. There are others which are involved with return to school, return to different kinds of educational programmes; and in some cases return to jobs within their own plants which are not new jobs.

CORE CURRICULUM

Mr. S. Smith: A question for the Minister of Education; this is about the students presently in grade nine throughout the province of Ontario: Does the minister recall that on October 6, when he made his statement at the press conference, he said that the students in grade nine would be entitled to have the new core curriculum recommendations apply to their education; and yet in his answer to me on November 10 he said that these students would not be permitted to have that particular advantage, such as it may be? Is he aware that there are over 100,000 children in that category; and why is he depriving them of this reasonably easy to obtain advantage?

Hon. Mr. Wells: I answered that question quite fully last week, and I thought to everyone's satisfaction; I don't think it requires repeating again for the leader of the third party.

Mr. S. Smith: Despite the grace and pleasantry of that answer, I would like to ask, by way of supplementary, if in fact he decided that it would not be fair to change the rules, as he puts it, for the grade nine students, why did he say on October 6 that he would include the grade nine students? Was he simply mistaken or did he change his mind since then?

An hon. member: Flip-flop.

Hon. Mr. Wells: Mr. Speaker, I answered that question last week and I think—

Mr. S. Smith: You did not.

Hon. Mr. Wells: —that I explained to the member; if he read the newspapers, I indicated—

Mr. Eakins: The minister changed his mind.

Hon. Mr. Wells: —that I would give consideration to whether it should be phased in for those students presently in school. Upon reflection and discussion with the members of the profession and our staff, it became obvious that the ground rules should not be changed for those students presently in school. I explained it very fully to the member last week.

Mr. S. Smith: Very fully indeed. Another question for the Minister of Education: Regarding the statement which he made to the Globe and Mail on the weekend on tightening the requirements within the core subjects themselves, I would like to ask the minister whether it's a fact that he said the present system "just isn't working"? If he did say that, could he share with this House precisely the evidence upon which that statement was based? How does he know that the present system is not working?

Hon. Mr. Wells: My speech on the weekend—which I will be glad to send my friend since I assume he hasn't read it—is referring to the present system of decentralized development of curriculum, a system which we brought in five or six years ago, which we had great hopes for but which has not lived up to our expectations and is indeed not working. We know it.

[2:30]

Mr. S. Smith: How do you know?

Hon. Mr. Wells: How do we know it? We know it because we listen to people telling us what is happening in the schools.

Mr. Breithaupt: About time.

Interjections.

Hon. Mr. Wells: Unlike my friend who reacts to things in panic and feels the school system is—

Some hon. members: Oh, oh.

Mr. Breithaupt: Why don't you call another press conference?

Mr. Roy: Why did you reverse your stand?

Mr. Speaker: Order, please.

Hon. Mr. Wells: Unlike the leader of the third party, who continues to tell the people of this province that the school system is in a shambles—an absolute untruth—

Mr. Peterson: It is true.

Mr. Breithaupt: So is the ministry.

Mr. Speaker: Order, please.

Mr. Breithaupt: Your incompetence surprises even your fellow ministers.

Mr. Speaker: Order, please.

Hon. Mr. Wells: We continually listen to what people within and without the system are saying.

Mr. Roy: Yes, you listen to the polls.

Mr. Speaker: Order.

Mr. Roy: Bring him to order, Mr. Speaker.

Hon. Mr. Wells: In the last six months we have listened to what the Ontario secondary school teachers suggested could be done to improve the system. We have listened to what the secondary school headmasters have suggested. We have listened to what the home and school people have told us in personal meetings—

Mr. Cassidy: Amazing what minority government does.

Mr. Ruston: And the public.

Hon. Mr. Wells: We have listened to what the public school trustees have suggested to us; and being a very responsive and receptive government, we have brought in improvements and refinements.

Mr. Ruston: The Liberal Party's platform.

Mr. Speaker: Order, please.

Mr. S. Smith: By way of supplementary, I congratulate the minister, of course, for listening so carefully to all sources; but if, in fact, simply listening to people is sufficient for him to decide that his system isn't working, may I ask him exactly where, in this precise week and in this precise year, did he get the information it wasn't working? Why is he persisting with a very expensive interface study, which we were told was absolutely essential in order to know whether the system is working or not? Why not simply scrap it and listen to the people?

Hon. Mr. Wells: My friend again exhibits his lack of knowledge about what really is happening in the province. The interface study is a very important study, but it has nothing to do with the principle of decentralized curriculum in this province. It has to do with a lot of other things, but not this particular thing. Let him wait until he reads that study and then see what we have to say about the results of that.

Mr. Roy: You are on the defensive now. You are on the defensive and you know it.

Mr. Foulds: A supplementary: I wonder if the minister would inform the House, and therefore the educators throughout the province, precisely what he means when he says that the objective of the new English courses will be "to express themselves clearly and logically in oral and written speech, based upon an understanding of sound grammatical principles"? Has the minister gone so far as to decide which grammatical principles he is going to follow? Is he going to follow the transformationalist school or the structuralist school or is he going to follow a modified translation of Latin grammar, which has been the traditional form of teaching grammar in English?

Hon. Mr. Wells: Very fortunately for me I haven't been a professional educator—

Mr. Breithaupt: Unfortunately for the school children.

Hon. Mr. Wells: —and so, basically we are going to develop a curriculum for the help of the teachers and the students of this province which will help them to be able to communicate better—

Mr. Breithaupt: They will appreciate that.

Mr. Reid: I thought that's what the last one was all about.

Mr. Speaker: Order.

Hon. Mr. Wells: —and gain a degree of literacy in the English language, and we will use whatever system is best.

Mr. Speaker: A final supplementary.

Mr. Sweeney: With respect to decentralized curriculum, could the minister please explain the contradiction between his statement of October 6, which says: "We will ensure that every student"—I underline the word "every"—"knows enough about our history and our geography." Then farther down: "As Canadians we must have a firm grasp

of our history and our physical geography," and the statement released by the ministry on October 20—

Mr. Speaker: Order, please. The supplementary question is supposed to be supplementary—

Mr. Sweeney: It is supplementary to—

Mr. Speaker: Order, please.

Mr. Sweeney: It has to do with decentralized curriculum—

Mr. Speaker: That does not include reading lengthily from any document; so if you can abbreviate it, that will be fine.

Mr. Sweeney: Mr. Speaker, I have to identify the source of the contradiction.

Mr. Speaker: This is a supplementary question, not an original question, I point out.

Mr. Sweeney: All right. On October 20 the ministry released a memorandum which said that in grades 9 and 10 the students can either take two courses in Canadian history or one in history and one in geography. On the one hand he says they must take geography, on the other hand he says they don't have to.

Mr. Speaker: Order please. We get into a whole debate on this whole subject again and again—

Interjections.

Mr. Speaker: Order, please. There was an original question asked a long time ago, I forget what the exact gist of it was but this is supposed to be supplementary to it.

Interjections.

Mr. Speaker: Order, please. All that noise doesn't help.

Mr. Reid: Perhaps we can study English geography.

Mr. Speaker: Is the question completed now? Is the supplementary question completed now? Does the hon. minister have an answer?

Hon. Mr. Wells: Mr. Speaker, we are more interested in improving the education system than in nitpicking about memoranda.

Mr. S. Smith: The geography of Canada is nitpicking?

Mr. Reid: Are you going to change the geography of Canada, too?

Hon. Mr. Wells: If my friend is really concerned in reading memoranda here, why doesn't he read the memorandum that's gone out clarifying that particular point?

Interjections.

Mr. Reid: And you wonder why we call it a shambles.

Mr. Breithaupt: This is real leadership.

Mr. Speaker: Order, please.

Hon. Mr. Wells: The core subjects are one credit in Canadian history and one credit in Canadian geography in the first two years and these options must be given in every school.

Mr. Reid: Are they options or core subjects?

Hon. Mr. Wells: These two subjects must be made available in every school but it is also possible, if the school wishes, to offer another history option, and that will also qualify students for graduation diplomas if they do take one and two history; but the geography course must be in every school.

Mr. Cassidy: That did need clarification.

APPLICATIONS TO TEACHER EDUCATION COLLEGES

Mr. S. Smith: A separate question of the Minister of Education; it has to do with the Ontario Teacher Education Colleges: In view of the fact that under The Education Act, 1974, regulation 5 sets a specific deadline for applications by students to the Ontario Teacher Education Colleges, can he tell us who in his ministry deliberately went against that regulation and permitted the education colleges simply to disregard applications which arrived well within the deadline? Instead, the colleges used a first-come, first-served basis for accepting people to study. Who was it in the ministry who disregarded the regulation?

Hon. Mr. Wells: We didn't disregard our regulation. There was a quota or a number which we would accept this year in the colleges and it was done on a first-come, first-served basis. There were many more applications than we could accept. Financial constraints and teaching staff at the colleges necessitated that we educate only so many and there had to be a cut-off date.

Mr. Breithaupt: You make your choice on the speed of the mail.

Hon. Mr. Wells: I will have a much fuller statement about how this process will be handled next year—

Mr. Ruston: Another memorandum.

Mr. Breithaupt: It is called a shambles, that's what it's called.

Mr. Speaker: Order, please.

Hon. Mr. Wells: My friend has gone around this province making a great point of this first-come, first-served business in our teacher education colleges. It was done probably for the only time last year because there were many more applicants than we could take in.

Mr. Breithaupt: It's still not the way to handle them.

Hon. Mr. Wells: It's been done in many other educational institutions in this province for a long time.

Mr. Breithaupt: Then it has been done wrong.

Mr. Conway: That doesn't justify it.

Mr. S. Smith: By way of supplementary, can the minister tell us whether the ministry considered any means of judging the applications which arrived, for an albeit limited number of places, on the basis of merit? Is he ready for that term? What means of deciding on the basis of merit was chosen and looked at by the ministry prior to deciding on teacher applications based on the speed of the mail?

Mr. Breithaupt: They do it by postmark.

Hon. Mr. Wells: I suggest that my friend will probably fall out of his seat when he hears how we are going to handle the situation this year.

Mr. Singer: You certainly lay them in the aisles.

METHOD OF ACCEPTING APPLICATIONS

Mr. S. Smith: Another question for the Minister of Colleges and Universities. I was not intending to ask this question until the comment was made by the Minister of Education.

Could the Minister of Colleges and Universities tell us which institutions of higher

learning in this province under his ministry have adopted the same method of accepting people for study, namely first come first-served, irrespective of merit? The Minister of Education has said there are other institutions in this province doing it; could this minister list those institutions for us, please?

Mr. Bullbrook: Good question.

Hon. Mr. Parrott: I would have thought the member for Hamilton West would have known that the universities set their own admission standards and as such are given that privilege.

Mr. S. Smith: Supplementary: Accepting the fact that the universities set their own admission standards, the ministry must surely have a record of these? Could the minister please tell us which universities have adopted that particular practice of first come first served rather than merit, and for what courses?

Hon. Mr. Parrott: I'll be glad to report to the member in a very short period of time from now which universities adopted what programme, but certainly I wouldn't expect him to expect that I would have that information today.

Mr. Speaker: The member for Scarborough Centre has a question.

[Applause.]

Mr. Drea: You should be applauding my colleague, not me.

Mr. Speaker: We're wasting time here. Order.

HYDRO LOAD MANAGEMENT PROGRAMME

Mr. Drea: To the Minister of Energy: Since the minister informed the House last Tuesday of a very significant meeting with the Scarborough Public Utilities Commission today for the government to consider an imaginative and resourceful load management programme by the commission, can the minister report on the outcome of the meeting?

Mr. Nixon: Dennis, have you gone home since Remembrance Day?

Hon. Mr. Timbrell: Mr. Speaker, we had an excellent meeting this morning with Messrs. Cavanagh and Broley, who are members of the commission; and with Mr. Curtis, who is the general manager of the Scar-

borough Public Utilities Commission, and also as a matter of fact served as president of the Association of Municipal Electrical Utilities of Ontario. We all agreed that the proposal they put forward is along the lines of a variety of things we would like to see done in the province to investigate the potential of load management. I pointed out to them that during debates and statements last week I had indicated that within two months Hydro is to come back with an initial report on the potential for load management. So we're going to follow up the meeting with further sessions involving Hydro, Scarborough PUC and the ministry. The short answer I suppose is that it is an excellent proposal which we want to see followed up.

MUNICIPAL NOMINATION PAPERS

Mr. Ferrier: A question of the Treasurer, Mr. Speaker: Is the minister aware that confusion exists concerning the legality of nomination papers filed on November 11 by candidates for municipal office and school board offices? If so, what action is he going to take to make sure the confusion is removed and a number of legal challenges do not result from this confusion?

Hon. Mr. McKeough: Mr. Speaker, I am aware and I'm looking into it.

Mr. Ferrier: As a supplementary, will the minister be reporting to the House the results of his investigation?

Hon. Mr. McKeough: Yes.

Mr. Foulds: Before election day?

SOLICITOR-CLIENT COMMUNICATIONS

Mr. Roy: Mr. Speaker, I have a question of the Solicitor General. Does he plan to lay criminal charges against the Ontario Provincial Police officers who intercepted a private communication on April 19, 1976, at the Perth county jail, for which they had no authorization and in which the OPP were under the direction of one Detective Inspector Bill Bowles?

Hon. Mr. MacBeth: Mr. Speaker, that's the first I've heard of the matter. It would probably be up to the Attorney General to consider the laying of any charges. I have no information on the matter at all, sir.

Mr. Roy: Supplementary: I'd like the minister to tell us what possible justification there

is for the police, first of all not obtaining an authorization; and secondly, what possible excuse is there for intercepting a communication between a solicitor and his client, as was done in the case of Regina vs. Donald Turner?

Hon. Mr. MacBeth: Mr. Speaker, knowing nothing about the matter, I can't comment one way or another.

Mr. Roy: Don't you have any policy? It's your force.

Mr. Speaker: I think the hon. minister answered practically all the supplementaries with both his answers.

Mr. Roy: Just one supplementary?

Mr. Speaker: If it's a supplementary that's reasonable.

Mr. Roy: Doesn't he have any policy within his ministry on OPP officers not intercepting communications between a solicitor and his client?

Hon. Mr. MacBeth: Mr. Speaker, yes we have policies, but I'm not going to fall into the trap that my friend is trying to set for me by suggesting there was some breach of policy in this case.

Mr. Peterson: How cunning of you, John.

Mr. Singer: What is the policy? That was a clever trap, to ask the minister about policy.
[2:45]

Mr. Bullbrook: The minister hasn't laid a trap since he got engaged.

Mr. Singer: I asked him about a statute last week and he fell into that trap.

Mr. di Santo: I have a question of the Minister of Education.

An hon. member: He's hiding.

Mr. Speaker: Is the Minister of Education available?

Mr. Warner: He's lurking in the shadows.

Mr. Speaker: You may now proceed.

ITALIAN COURSES IN SCHOOL

Mr. di Santo: In order to dissipate the uncertainty among Italian parents related to Italian courses, will the minister reassure the House in no uncertain terms that: One, the courses won't be closed; two, will he inform

the House whether his ministry has already had any contact with the separate school board; and three, can he tell us whether he has in mind any plan to contact the Italian government in order to come to an agreement until the time the provincial government will take over the courses?

Hon. Mr. Wells: Yes, I'd be happy to. We have talked to the separate school board and no one is going to suggest that those courses should be stopped or disbanded at the present time. We haven't yet, but through some channels we will be talking to the Italian government to clarify perhaps more clearly its support, how it's being done and whether it should be done in a more formalized manner if it is to be carried on. We'll also have a statement on our multicultural policy toward education, probably in about two or three weeks.

MILK QUOTA ALLOCATION

Mr. Gaunt: A question of the Minister of Agriculture and Food: Has the Ontario Milk Marketing Board decided how the extra quota allocation is going to be handled? If a general distribution takes place rather than one done on the basis of the greatest need, as was suggested by the federal government, is there not a danger of Ontario producers losing \$3 million in milk subsidies if Ontario doesn't comply with the federal request?

Hon. W. Newman: I'm well aware of the conditions Mr. Whelan put on the four million hundredweight of milk which I urged and coaxed him to release to the dairy farmers of this province.

Mr. Bullbrook: Good old Bill!

Hon. W. Newman: I would just like to let members know that after several meetings with the Milk Marketing Board a letter was dispatched with great haste last Thursday to Mr. Whelan, suggesting exactly how this 127 million pounds of milk should be distributed in the province of Ontario. I understand that letter will be made public on Friday.

Mr. Singer: He speaks well.

Mr. Gaunt: Supplementary: Would the minister not consider it to be more appropriate to give the quota to milk producers who really need it rather than giving it to producers who don't need it and can't make use of it?

Interjections.

Hon. W. Newman: As I just said, there were four criteria set out in the letter that has gone off to Ottawa. Certainly there is concern for new producers, as well as concern for producers who have been in the business for a long time and for those who have taken a very heavy debt upon themselves. There is also concern for those who have shipped well over 60 per cent of their total MSQ for this year already. There is also another category of people who have specific problems which will have to be dealt with on an individual basis because they may have loans at the bank or some other source to which we don't have access.

I can assure members that the allocation being proposed by the Milk Marketing Board, about which we have had discussions, will be a fair and equitable distribution to the producers of this province on the basis of need.

Mr. Roy: Mr. Whelan always speaks well of you.

Hon. W. Newman: Sometimes.

Mr. Roy: He says you are still learning.

EXTENSION OF OMC TAX DEADLINE

Mr. Burr: I have a question of the Minister of Housing concerning an unexpected and alarming notice from OMC, received on Friday, November 12 by large numbers of residents of a Windsor HOME subdivision called "Villages of Riverside," informing them that their municipal tax accounts have deficits of several hundred dollars and that OMC must receive these amounts by this Friday, November 19, or it will be increasing their monthly payments by about \$50, beginning December 1. The question is, will the minister extend this period to two months to enable the residents to figure out how and whether they can find those large sums of money?

Hon. Mr. Rhodes: I learned of this situation today as a result of a letter the hon. member gave to me. I think it's only reasonable, if the notification has been of such short time, that certainly there should be an extension of time and that they will not be held to the Friday deadline. We will certainly look into that matter and those residents will not have to pay by Friday.

Mr. Deans: Can I assume that the minister is aware that this has occurred in many Home Ownership subdivisions across the

province, and that we have been in touch with the ministry's offices asking that some action be taken and that the same rule that he has most graciously applied to the Sandwich-Riverside situation will be applied to every other purchaser of Home Ownership homes until this matter can be resolved?

Hon. Mr. Rhodes: I would have to say yes. I see no reason at all that the purchasers of these homes, who have made their purchases with the information that was available to them, should be placed in any position of having to pay out money until it has been determined that it is a fair price, certainly.

Mr. Swart: A further supplementary to the minister: In the light of what is happening, is he willing to reconsider the general policy of OHC whereby these huge deficits in tax payments are accruing, and see that they don't accrue to the same degree, and where there are deficits they'll be spread over a number of years so there aren't drastic changes in the payments that these people have to make?

Hon. Mr. Rhodes: I don't want to make any firm commitment on that part of it. I would like to look at what is causing the problem. Quite frankly, the first that I was aware of it was when the hon. member for Sandwich-Riverside gave me a letter today. I would like to look into that situation, see what the problem is and, where we can, we'd like to rectify it.

Mr. Speaker: I think we should get on with the time left, because this is effectively the same questions over again.

SUSPENSION OF MAPLEHURST GUARD

Mr. Reed: I have a question for the Minister of Correctional Services: Could the minister please tell this House how it is that a guard at the Maplehurst Correctional Centre has been suspended without pay as of this morning considering that the alleged incident occurred on or about October 30, and since that time he has had no opportunity whatsoever to defend himself at a hearing?

Hon. J. R. Smith: I am unaware of the circumstances of the incident the hon. member has referred to and I will undertake to find out exactly its nature and why there hasn't been a hearing as is normally held.

Mr. Reed: Would the minister not agree that the tactic of suspension without pay constitutes a prejudgement of the case?

Hon. J. R. Smith: No, Mr. Speaker.

Mr. Roy: No? What does it mean to you?

Interjections.

PROTECTION OF OHC TENANTS

Ms. Bryden: I have a question for the Minister of Housing: In view of the fact that the government last spring took the tenants of municipal public housing out from under rent control legislation despite our objections, is the minister prepared to use his authority to approve rent changes in such projects to give the tenants the protection they lack under the law against increases that are greater than a person of modest means can absorb in any one year? In particular, in my riding at 98 Elmer, they are being asked—

Mr. S. Smith: Question, come on.

Interjections.

Mr. Speaker: Order, please. I really think the question has been asked.

Ms. Bryden: —for rent increases amounting to 29.5 per cent.

Mr. Speaker: Thank you. Does the hon. minister have an answer to the main question?

Hon. Mr. Rhodes: Mr. Speaker, I think the question should more properly be addressed to the hon. Minister of Consumer and Commercial Relations (Mr. Handleman). I certainly have—

Interjections.

An hon. member: Pass the buck, John.

Mr. Speaker: Order, please.

Hon. Mr. Rhodes: With respect, the Liberals are a party to the whole mess that we got into over that the first time around. Remember that.

Mr. Nixon: Yes, we brought in the bill.

Mr. Speaker: Order, please.

Mr. Peterson: John, you should resign.

Mr. Lewis: This minority government is an awful hassle to you Tories.

Mr. Speaker: Order, please.

Hon. Mr. Rhodes: They won't make up their minds.

Mr. Lewis: Remember the days of the great majority?

Mr. Speaker: Does the hon. member wish to redirect her question if it's appropriate to redirect it?

Order, please!

Ms. Bryden: I understand the approval of rent increases in projects of this sort, municipal projects which are shared among federal and provincial and municipal, come under the Minister of Housing.

Ms. Gigantes: Correct.

Hon. Mr. Rhodes: If we have the control on the rents, of course I would like to look into what can be done to hold them to reasonable increases. However, I have taken the position all along that I do not interfere with the autonomy of the municipal governments.

Mr. Roy: That's a new policy.

Hon. Mr. Rhodes: It really surprises me—

Mr. Roy: Ask Darcy about regional government.

Hon. Mr. Rhodes: That is not a new policy, as the members well know.

Interjections.

Hon. Mr. Rhodes: The member would like to see us have control over them all. The hon. member, on more than one occasion I am sure, has noticed that the city of Toronto—I think this is where the problem is occurring, in its housing department—has made a judgement as to what it thinks it needs in the way of rent. I don't really like to be involved in controlling the activities of that particular area which I understand is non-profit.

FUNDS FOR WINDSOR CENTRE

Mr. B. Newman: I have a question of the Minister of Community and Social Services. Is the minister aware that the Kinsmen's ARC Industries, the workshop and training centre for mentally retarded in the city of Windsor, will close on November 30 this year for at least one month unless he provides increased funds so it can continue operating?

Hon. Mr. Taylor: Mr. Speaker, I appreciate the member for Windsor-Walkerville and the member for Windsor-Riverside (Mr. Burr) bringing this matter to my attention last week. As I said then and I will repeat now, I can assure them that the ARC Industries workshop will not close. There have been financial problems in connection with the operation of that workshop. There are some problems in terms of budgetary control but the members can rest assured that we will work those out.

Mr. Speaker: The oral question period has expired.

Petitions.

Presenting reports.

REPORTS

Hon. Mr. Parrott presented the financial report of the Ontario College of Art for the year ending May 31, 1976.

Mr. Johnson, on behalf of **Mr. McNeil**, from the standing resources development committee reported the following resolution:

Resolved: That supply in the following amounts and to defray the expenses of the Ministry of Labour be granted to Her Majesty for the fiscal year ending March 31, 1977:

Ministry of Labour

Ministry administration programme	\$5,507,000
Industrial relations programme	1,446,000
Women's programme	505,000
Labour services programme	8,231,000
Human Rights Commission programme	1,247,000
Labour Relations Board programme	1,852,000

Mr. Speaker: Motions.

Introduction of bills.

FOODLANDS PROTECTION ACT

Mr. McCague moved first reading of Bill 162, An Act to provide for the Designation and Retention of Foodlands.

Motion agreed to.

Mr. McCague: Mr. Speaker, this bill would propose to designate classes one, two, three and four, and specialty crop lands, as foodlands.

Mr. Lewis: You mean you are going to freeze the foodlands? On a point of order, Mr. Speaker—

Mr. Speaker: Order, please.

Mr. Lewis: On a point of order, Mr. Speaker. This is a Tory freezing agricultural land.

Mr. Speaker: That is not really a point of order.

Any further bills?

Mr. B. Newman: Before you get it on the record, why don't you read the bill?

Mr. Lewis: That is exactly what we wanted to do. You hypocrites over there. You got a back-bencher to sneak it through.

Mr. Speaker: Order, please. The debate hasn't started yet, gentlemen.

Mr. Singer: Come on. You're not going to allow that are you?

Hon. W. Newman: You create all kinds of emotional issues.

[3:00]

Mr. Speaker: Order, please. Can we not return to sanity here for just a few minutes?

Mr. Roy: Return to sanity—sit down, Mr. Minister.

Interjections.

Hon. Mr. Welch: Mr. Speaker, before calling the orders of the day, there are two things I'd like to do—

Mr. Foulds: Stand up first!

Interjections.

Hon. Mr. Welch: First of all, I think all members of the House would want to join with me in congratulating the member for Brant-Oxford-Norfolk (Mr. Nixon) on the honour conferred on him by a great university on Friday.

[Applause.]

Mr. Breithaupt: He has got office hours later today.

Hon. Mr. Welch: Having shared undergraduate days with the hon. member in earlier days, I must say I personally am quite delighted he's made such progress since 1946, and indeed we greet Dr. Nixon on this wonderful honour.

Mr. Lewis: I'll settle for a simple BA; never mind a doctorate.

Mr. Breithaupt: You are too late. They don't make those honorary.

Hon. Mr. Welch: There are a couple of schools that I can make some arrangements with. One of them went out of business down there, but for \$100—

Mr. S. Smith: You can get in, but mail early.

Hon. Mr. Welch: I'd get in before the rules get tougher.

Mr. Lewis: That was my problem, you see—I did it on merit.

Hon. Mr. Welch: Next time use the mail.

Interjections.

ANSWER TO WRITTEN QUESTION

Hon. Mr. Welch: Mr. Speaker, before the orders of the day, may I also table the answer to question 142 standing on the order paper. (See appendix, page 4676.)

Mr. Speaker: Orders of the day.

EMPLOYEES' HEALTH AND SAFETY ACT

Hon. B. Stephenson moved second reading of Bill 139, An Act respecting Employees' Health and Safety.

Mr. Lewis: Speech, speech.

Mr. Speaker: Is the hon. member for Wentworth rising to speak?

Mr. Deans: No.

Mr. Speaker: Any comment on this bill? Does the hon. minister have an opening statement? The hon. member for Nickel Belt.

Mr. Laughren: Mr. Speaker, I had assumed that the minister would be making an opening statement on the bill, but I guess we'll have to wait until after the opening statements.

I am happy to take part in what I consider to be a very important debate. I think we have come a long way in Ontario to this point where we are actually debating a bill with the principles that are contained in this particular one. While we know that there are things that we want to change in it, nevertheless we are happy that it is here before us today.

The principles of the bill which allow us to support it are three—namely the centralization of the responsibility for occupational health under one ministry, the establishment of

safety committees at various places of work, and the right of workers to refuse to work under conditions that they deem to be unsafe.

We support these principles but we do want assurances from the minister that these principles will be translated into action without sleight-of-hand and without any "peas under the shell" games. We are not entirely satisfied with the bill, and that will become increasingly apparent as this debate continues and particularly as we get into the clause-by-clause discussion.

It's very important to us that the government regard our amendments in a positive way and that the government be open-minded about the amendments we put forth. We think they will be thoughtful and in the best long-run interests of employers and employees alike; indeed, we think they are absolutely crucial if the bill is going to work. We shall be proposing a considerable number of amendments.

We think it makes no sense whatsoever to bring in a major piece of legislation such as this without making every possible effort to ensure it will work. It will only work, of course, if it's acceptable to those people who will ultimately be responsible for making it work, namely the workers in Ontario. We will be putting forth our amendments with that in mind.

The workers in the province are certainly committed to the three principles in this bill, as we are, and that only leaves the employers and the government. Our commitment is unquestionable and so is that of the workers. They are determined to make this kind of legislation work so they have the right to refuse work when it is obvious that conditions are unsafe. We can only hope that the employers and the government are serious in wanting this kind of legislation that will work.

It has been a long and persistent struggle by workers and their unions to get this bill this far. I hope the history of labour some day will be told, because there has been struggle for decent wages, there has been struggle for decent hours of work and the right to organize and the right to work under conditions that are safe. I often wonder why it is that we look back so casually on those struggles which really were struggles for very basic civil rights in this province and elsewhere as well. Despite that fact we honour more the E. P. Taylors of this province than we do the workers who really struggled to achieve what they have. I guess it's because the E. P. Taylors are the swashbuckling gamblers in our society. The workers merely

struggle for what they get and in many cases they have achieved it at considerable personal sacrifice and risk.

This bill establishes the right of workers to refuse to work under unsafe conditions. It really is a sad commentary that it has taken us this long to make it a right in Ontario that they can refuse to work in unsafe conditions without fear of reprisals from employers.

What has been missing in my view in the whole attitude toward the work place is that we continue to regard the work place as having only an economic dimension. Surely work has a social dimension as well and that industrial society called the work place surely should be collectively striving for the same goals that the society in which it functions is striving. I think that that's something we have always been slow to recognize and slow to encourage—at least the government has been slow to encourage—because until now the work place has been highly competitive and predatory while at the same time the government was in the background operating in a very paternalistic fashion. For these reasons some employers have subjected workers to some very hazardous working conditions.

I say "competitive" because you need only ask any bonus miner whether or not he works in a competitive work environment, and I say "predatory" because of the whole history of negotiations and the whole history of occupational health in the province of Ontario. I don't think I need to recite chapter and verse the story of Elliot Lake, the story of the asbestos mines in northern Ontario or the factory in Scarborough to substantiate my argument when I say "predatory system."

I should make one exception when I say the work place has been predatory and the government paternalistic. There is an exception and that's the Minister of Natural Resources (Mr. Bernier). He is considerably more predatory than paternalistic. I don't want to lower the level of debate unduly here but I can assure you that had this responsibility for occupational health been transferred entirely to the Ministry of Natural Resources rather than the Ministry of Labour, we could not have supported the bill, given the present Minister of Natural Resources. I would only say that now that we have taken occupational health—namely, the fate of the miners—out of the hands of the Minister of Natural Resources, we need only remove mines and forests and he will then have responsibilities more commensurate with his capacity.

Back to the bill: This legislation provides that an employee may refuse to work where

he believes an unsafe condition exists. That right is a very important one and should, of course, extend from the employee to his representative, namely, the union. When the asbestos dust levels at the United Asbestos plant in Matachewan were at an unacceptable level, it was the workers who went off the jobs because they knew the dangers of working in that dust. What should be allowed is that the union should legitimately be able on behalf of its employees to say those conditions are completely unacceptable and, to maintain any kind of integrity as representing the membership, to say employees simply cannot work in those conditions and to recommend it to the membership. Just as an automobile driver can decide, if there is freezing rain out, that he will not drive on an icy highway because of the conditions, then surely a worker can make the same decision about the work place.

While the bill itself does give that right to the workers, there is one section in it, section 3(2)—and we deal with it more fully when we get into the clause-by-clause debate—where there is an interesting phrase that I think reveals a great deal about the minister, about her senior officials and about the government as a whole. That phrase is: "Where the employer or the person having control and direction over the employee disputes the report." And then it goes on to complete it.

Mr. Bullbrook: Which section?

Mr. Laughren: This is section 3(2). It is a bit of a diversion, but the words "having control and direction over the employee" are used several times in the bill. It bothered me when I first read it. Then I was reading through the Saskatchewan legislation and saw the different wording. In the Saskatchewan legislation, which is the original 1972 bill, where it describes the employer, it doesn't use the term "where the employer or the person having control and direction over the employee." It uses the term "the person in charge of the operation of the place of employment."

The minister may think that is not a substantial difference. In the one case the legislation describes the employer as someone who is in charge of the place of employment, and in the Ontario bill the description is the employer or the person having control and direction over the employee. So there is a paternalistic, elitist approach to this legislation still. I am uneasy about that kind of attitude remaining. Despite the apparent willingness to give to the workers through safety committees and through worker inspectors some degree of autonomy and authority, as long as

the attitude remains that they are chattels of the employer, then we are not going to progress as far as I would like to see us progress, even though the employee has the right to refuse to work. In other words, I am saying that it is not enough to have a principle of the right of the employee to refuse to work; that employee's right must be firmly established and must have the backing of the ministry.

The second major section of the bill empowers the Minister of Labour to establish joint health and safety committees in a workplace. The actual wording of the relevant section of the bill uses the term "may require." That simply is not good enough. The establishments of these joint safety and health committees simply must be mandatory. I cannot stress strongly enough to the minister how we feel about that. We feel that unless they are mandatory the people who need them the most simply won't have them. We will be bringing forth amendments to back that up.

I can certainly think of some lumber companies in the area I represent where they will need a lot more prodding than this kind of permissive legislation. Therefore, I strongly recommend that the minister accept amendments, or make amendments herself, that will require joint health and safety committees in every work place over, say, 10 employees. Otherwise, the very workers who need these committees the most won't get them. If an employer is conscientious and has a good record and a good attitude toward safety and health, that employer won't object to establishing the joint committee. The mandatory aspect of the bill won't bother those employers. If, on the other hand, those employers are not safety conscious and are not conscientious, then the safety and health committees should be mandatory for those employers in particular.

[3:15]

It makes no sense to make the legislation permissive. The very workers who need them most, simply won't get them. I'm not convinced of the ministry's ability to descend and direct committees in every place that requires them, particularly in relatively small operations. That's why we feel so very strongly that the joint committees must be mandatory. It's not a breakthrough; it's been established in Saskatchewan for some time now.

We know the employer has a responsibility to provide a safe, healthy work environment and we also know, despite what the minister

might think some times, that the employees have the responsibility as well to ensure that the work they do is carried out safely and also that any potential problems are brought to the attention not only of the employees' representatives but of the employer as well.

In the past, of course, the employees always did have that responsibility. That's nothing new. Employees have always had a responsibility to themselves and to their fellow workers to work safely, but they have never had any authority to do anything about it. When they tried to change something to make it safer they found they had no authority, and now, for the first time, those workers, those people with the most at stake in safety and health, will actually be able to do something about it. They will be able to have involvement in the decisions that can change those conditions.

The principle of joint safety and health committees is too important to leave it permissive and subject to the whims of successive Ministers of Labour, because we don't know from one appointment to the next what commitment any given minister is going to have toward making this Act work. That's another reason we feel they must be made mandatory.

The Saskatchewan legislation states very clearly, and I quote: "In every place of employment at which 10 or more persons are employed the person in charge of the operation of the place of employment shall cause a committee to be established to be known as an occupational health committee." That's what I meant when I said it would not be breakthrough legislation. It's already established and working in Saskatchewan. It has not been abused in Saskatchewan to our knowledge, and that's in conversations with some of the people in Saskatchewan, so there is no reason why Ontario cannot make the committees mandatory.

Mr. Bullbrook: But that is not mandatory; that is not universally mandatory.

Mr. Laughren: Oh, yes it is, in all places.

Mr. Bullbrook: Read it again.

Mr. Laughren: I can tell you, it is.

Mr. Bullbrook: Read it again.

Mr. Laughren: I can quote the entire Saskatchewan legislation but that particular phrase that you question says: "In every place of employment at which 10 or more persons are employed the person in charge of the operation of the place of employment

shall cause a committee to be established to be known as an occupational health committee."

Mr. Bullbrook: That is reasonable legislation; that is not universally mandatory.

Mr. Laughren: Of course, it's mandatory. For all places of work with 10 or more employees.

Mr. Bullbrook: With 10 or more employees.

Mr. Laughren: That is what we are saying too. That is what I have already said.

Mr. Foulds: Your law office will be exempt, Jim, don't worry.

Mr. Bullbrook: On a point of order. I don't want to be provocative. There are many people here who like to be provocative. We are speaking about universal and mandatory legislation, and that's not universally mandatory. It's dependent upon the number of employees, which is an extremely reasonable approach that we subscribe to.

Mr. Foulds: That is not a point of order, either.

Mr. Laughren: If I might reply to the non point of order, Mr. Speaker, two points—

Mr. Bullbrook: Don't let him do that, that is out of order.

Mr. Laughren: —one, I did not use the word "universal" and two, I did use the term "10 or more employees." So the member obviously wasn't listening very carefully.

Mr. McClellan: He should go back to sleep.

Mr. Laughren: I think one of the main advantages of having safety and health committees in the work place is the expertise which the employees can bring to all matters, and not just matters concerning occupational health and safety either. I am sure that many workers have suggestions that can make it a better place to work but may not have anything to do with safety on the job.

As a matter of fact, employers realized this many years ago when it suited their purpose. That's why all across this country and in other jurisdictions you have employers' suggestion awards. The employer rewards employees who come forth with suggestions that earn the company more money, and he rewards the employees financially when those suggestions are accepted. So an employer realizing the expertise that employees had

when it suited the purpose of the employer is nothing new.

In this case the employees are going to get some of the benefits of their own expertise. We feel the same principles apply to safety and health and the workers have a considerable degree of expertise to offer.

I suspect this government would be ideologically more comfortable if it could simply commission an army of inspectors to swarm all over the work places in this province and do the inspection that way. The minister shakes her head, but the Minister of Health—

Hon. B. Stephenson: Absolutely no way.

Interjection.

Mr. Laughren: No, not at all. We've said for years that the workers themselves should control the work place, not the employers. The Minister of Health (Mr. F. S. Miller), I believe it was, announced about six months ago that he was hiring 10 more people who were experts in occupational health matters, who were going to lay it on in Ontario—

Hon. B. Stephenson: They weren't inspectors.

Mr. Laughren: Well, what were they?

Hon. B. Stephenson: They were assessors who went around assessing.

Mr. Laughren: They were experts in the field?

Hon. B. Stephenson: Yes.

Mr. Laughren: Yes, that's what I thought you said.

Mr. Deputy Speaker: We're not going to get involved in an informal debate.

Hon. B. Stephenson: God forbid.

Mr. Deputy Speaker: The hon. member for Nickel Belt has the floor and should address himself to the bill and through the Chair.

Mr. Laughren: Thank you, Mr. Speaker, I'd be delighted to do that. Through you to the minister I would just suggest that if we were the government—indeed, when we are the government—we would establish training programmes for the workers so they could do their own testing and set some of their own rules for occupational health and safety, rather than hiring—

Hon. B. Stephenson: Mr. Speaker, we have already done that.

Mr. Laughren: —the 10 experts that the Minister of Health talked about, to go out and assess conditions in the province of Ontario. You can use the word “assess” instead of “inspect” if you like, but it basically means the same thing.

So we assume the minister and her government begrudgingly accept safety and health committees in the province. But we're saying to them, why don't you embrace the concept instead of tiptoeing around it and make them mandatory, for heaven's sake, in all places of work with 10 or more employees? Does that satisfy the Liberal Party? Accept the role that the government should play to make the committees mandatory, and then give them the encouragement, the moral support, the equipment, the access to educational programmes to make it work and to give the safety and health committees the kind of expertise they need to let them do a positive and a good job.

If a committee in an asbestos mill or a mine or a factory or any other work place wants to take dust readings then why should they not be encouraged to do so? Let them take the dust readings; train them in the operation of the equipment to take the test; train them how to decipher the results of the test—give the equipment and the training to do it properly. If the miners are worried, for example, about the relationship about bonus mining and safety, then the ministry should be there to say, “You're quite right, that is a legitimate concern,” and ensure that the committees have access to all information.

I know the wording in the bill, which I've read very carefully, implies that that is so. I am a little worried about it being a little loose that way—in other words, that the employer shall be required to provide information of that nature when the safety and health committees request it. I don't think that's asking too much.

In other words, I'm suggesting to the minister that the employees on the job be looked upon as a full partner at their place of work. In the past that has not been so because, it being a free-enterprise government and employers being free-enterprise types, they have always said it's the capital that makes those jobs possible, rather than taking the view that it's the labour that allows the capital to be productive.

I shall not dwell unduly on the committees but I do think the minister should understand that unless they are mandatory—and I'll repeat that as many times as I have to, to convince the minister—unless they're mandatory, those employees in the province

who would stand to benefit the most from this legislation will not have the vehicle necessary to effect necessary changes. That bothers us a great deal.

This legislation also contains an important administrative change; that is section 12 transfers part IX of The Mining Act, except section 616, from the Ministry of Natural Resources to the Ministry of Labour, and The Silicosis Act also moves over under section 13. Aside from the necessity of protecting the workers from the mines division of the Ministry of Natural Resources, there are other good reasons for this move, which we wholeheartedly support.

Some of us, I might say, support the move less enthusiastically than others, and I can assure the minister that I personally would have no qualms whatsoever in abolishing entirely the Provincial Secretariat for Justice, the Provincial Secretariat for Social Development and the Provincial Secretariat for Resources Development—I'd even abort the Ministry of Natural Resources—if it would provide startup funds for a separate Ministry of Occupational Health. I think there are sufficient financial savings that could result from other trimming in government to establish a separate ministry. If we can justify a Ministry of Culture and Recreation, we can justify a Ministry of Occupational Health.

I did say that we are supporting this administrative transfer. I'm making a plea to not only the government but my own caucus when I make this argument.

By establishing a separate ministry, the occupational health requirements would be competing at a higher level. They would be competing in a bigger league. That's what I would like to see. That's the kind of importance I would attach to occupational health. As long as occupational health falls within any operating ministry, it's going to be competing for funds at a different level.

Perhaps as important as the competition for funds, by establishing a separate ministry we would be serving notice to employees, to employers, to everyone in the province, of the kind of priority we are giving to occupational health in Ontario. That's terribly important because occupational health problems are not transient in nature; they're here to stay. They're becoming more complex, more sophisticated and consequently more worrisome to a lot of us.

Much research needs to be done in the preventive aspects of occupational health. The exposure of workers to carcinogens and

other toxic substances is increasing and in some cases we do not yet know the extent of the danger or the safe levels. There has been debate in this House on what are acceptable levels for different carcinogens, but some of them we don't even know yet, I suspect, that they are carcinogens. The long incubation period of many of the diseases, such as cancer, silicosis and asbestosis poses a particular problem as well. I think we must move most aggressively from counting the fatalities after the fact to preventing them from occurring in the first place.

[3:30]

I believe the problem is of sufficient importance to establish a separate ministry with substantial funding. We can no longer worship at the altar of the work ethic. I'm glad the Minister of Correctional Services (Mr. J. R. Smith) is here because he spends some time, I believe, thinking about the work ethic and he even speaks about it occasionally. I think he surely would agree that if we're going to say to workers in this jurisdiction or anywhere else that to work is good, then we should make sure that when they go to their place of work they work under conditions which are healthy and under conditions which are safe. It makes no sense whatsoever to encourage people to work all their lives without giving them the support of government to ensure that they work under healthy and safe conditions.

I'm sure the minister would agree that it's not good enough to clean up the existing hazardous conditions. We must make a very real effort to prevent any new ones from occurring. We know as well that the task will be expensive. We know it will be onerous but I think we all agree it must be done. Whether the present government remains in office or not, I think we should continue to press for the kind of priority for occupational health which would justify a separate ministry.

We support the three basic principles of this bill—the central authority; the right of workers to refuse to work in unsafe conditions; and the establishment of the joint health and safety committees.

We're worried about some of the things that are missing in the bill. I know the minister has promised an omnibus bill in the new year but there is much which need not have waited until then. I think some could have been included in this bill but we've had no indication from the minister as to what will be included in that new omnibus legislation.

Also we've had very little indication from the minister about the promised institute of occupational health. That was promised over a year ago—on the eve, coincidentally, of the 1975 provincial election. When I questioned the minister about her intentions in the Ministry of Labour estimates she was rather vague about it—disturbingly vague—and did not indicate what she saw its role to be or its relationship to this new occupational health branch within the Ministry of Labour. Surely, after more than a year, some of the details must be worked out. If they're not however, I feel it's incumbent on me to offer some suggestions to the minister—

Hon. B. Stephenson: No doubt.

Mr. Laughren: —in a very positive vein so that she can include them in her eventual plan. I'm sure she will listen.

Hon. B. Stephenson: Always.

Mr. Laughren: The introduction of this legislation would have been an ideal time to announce the establishment of a new school or faculty of occupational or industrial hygiene at one of the province's universities. I suspect that federal financing could have been obtained to help out. I suspect there would be considerable interest from other jurisdictions both in terms of support and in terms of experts who would be willing to come to such a faculty.

Mr. Deputy Speaker: I would hope that the hon. member for Nickel Belt won't dwell unduly long on what is not in the bill but will address himself to what is in the bill.

Mr. Bullbrook: Very good.

Mr. Laughren: Yes, that's a good point, Mr. Speaker. I would like to talk about something that's in the bill, peripherally, namely the Workmen's Compensation Board.

Mr. Bounsall: That's not in the bill.

Mr. Laughren: Yes, there is a reference to the Compensation Board in the bill. The bill, however, really doesn't deal in sufficient depth with what could have been done with the Compensation Board while dealing with this Act. I worry about the Workmen's Compensation Board because I worry that the board has become an end in itself, has become an agency of government but not really answerable to government. Otherwise, I suspect, the government would not be so continually embarrassed about the operation of the Compensation Board because it would do

something about it. It's a mess and the Tories know it. It's a continual source of embarrassment to the government.

Mr. Warner: It should be embarrassed. It should start over. It's a continual disgrace.

Hon. B. Stephenson: No, it is not.

Mr. Laughren: Mr. Speaker, I must point out to you—you may not have had time recently because of your onerous task as Deputy Speaker—that the Workmen's Compensation Board for years has had the authority to establish safety committees in places of work that had a bad safety record. I don't know how long ago, but section 86 of the bill states that if there is a bad safety record in a place of employment the board has the right to require that safety committees be established. I would like to know if there have been any such committees established by the Workmen's Compensation Board?

An hon. member: Never.

Mr. Laughren: One wonders if there is a parallel. The Workmen's Compensation Board was given the right to establish safety committees and never did. This minister in this legislation gives the ministry the right to establish safety committees without making them mandatory. One wonders if it is going to be the same kind of commitment the Workmen's Compensation Board has had for safety in the province of Ontario. Whenever we pursued this matter with the Workmen's Compensation Board they always said their job is to process the accidents. They have told us: "We'll process the claims and perform some degree of rehabilitation for the injured workers. Our job is not prevention."

Not only have they told us that, they haven't done it. The minister looks sceptical, but I can tell her if they had done it there would have been safety committees established in the province of Ontario in a large number of work places in order to prevent the accident rate. I would remind the minister that in any future dealings with the Compensation Board, whether it has to do with these safety committees or not, that she remind them that they had their chance to establish work safety committees and they didn't do it. If I was her, if I might be so bold as to give her some advice, I would urge her to deal with the board in a most uncompromising fashion.

If the board had established these safety committees and had played any kind of preventive role in occupational health, some of the problems would not have been as seri-

ous as they were. I refer specifically to some of the problems that came out of Elliot Lake where the board was processing the claims, getting the claims through and not forwarding information to the Ministry of Health. Then the whole thing died, nothing happened, and there was no follow-up. We all heard about it from a speech in France, I believe.

I know you know, Mr. Speaker, that eventually the Compensation Board must be abolished and replaced with a comprehensive social insurance scheme.

Mr. Angus: A comprehensive socialist government.

Mr. Laughren: In the interim they should get their house in order, and that is what we are suggesting.

This bill has many other shortcomings. We think that when the minister was talking in this bill about giving workers the right to refuse to work in unsafe conditions, she could also have said that when a worker contracts an industrial disease that worker then could, through the Workmen's Compensation Board, be removed from the job and either put on rehabilitation or on some other job without any loss of income or fringe benefits whatsoever. That could have been done in this bill.

I am concerned as well that this bill does not include the establishment of a data bank for the compilation of statistics concerning occupational health. I think it would have been an ideal place to start that. I suspect the minister intends to do that with the institute of occupational health, but as I say we have no way of knowing that because she has not revealed any of her plans on that yet.

The legislation is really a skeleton. I was very surprised at how short the bill was and how little there was in it. I suspect that for years to come labour is going to spend a great deal of time trying to put flesh on that skeleton because there is not very much there now. That is one reason why we are going to have to propose as many amendments as we intend to in order to beef it up so that it will work. We think there is not enough there right now to make it work. I think the lack of definition in the bill as to what they are attempting to do is also something they should have addressed themselves to. The bill talks about safety and health in such a way that one just knows they are still thinking of safety and health in a physical sense only. We know that.

Hon. B. Stephenson: Come off it.

Mr. Laughren: Show me in the bill where it says differently.

Hon. B. Stephenson: Just because the member is so narrow-minded doesn't mean the rest of us are.

Interjections.

Mr. Warner: Don't be so touchy.

Mr. Foulds: Call the hon. minister to order, Mr. Speaker.

Mr. Laughren: If I might be so bold as to continue to criticize the legislation, Mr. Speaker, I would say that the bill reflects the attitude that the WCB has, namely it's injury or accident oriented, and while the minister says that the board always gives the workers the benefit of the doubt, that's only true when there is no doubt—because if there's any doubt at all it does not go to the worker.

I'd like to draw a comparison in this Act. The Act talks about occupational health and safety and all the references in the bill are about accidents, industrial disease, mainly accidents though, and I'd like to tell you how the Saskatchewan bill described occupational health, and lacking in this bill is even a definition of occupational health.

The Saskatchewan occupational health bill describes occupational health as: "1. The promotion and maintenance of the highest degree of physical, mental and social well-being of workers." I emphasize that the chances of finding the term "social well-being" in any Tory government legislation dealing with workers is nil. That's the difference.

"2. The prevention among workers of ill health caused by their working conditions.

"3. The protection of workers in their employment from risks resulting from factors adverse to health.

"4. Replacing and maintenance of workers in an occupational environment adapted to their physiological and psychological conditions."

Does the minister understand the difference in that kind of wording in a bill and what that says about the intent of government; compared to the wording in the bill that she's brought forth today? The different attitude it has towards workers? In one case the awareness that the work place is a social place as well as an economic place; that's what Saskatchewan realized.

This government still regards the work place as having only an economic dimension, no social dimension at all. There's no talk about the social well-being, or the physiological and psychological well-being, or work that's suitable to the worker; no thought of that in the Ontario legislation. That's where

this minister's bill is lacking and that's why we are not perhaps as generous as she might wish us to be when we talk about this legislation. If we tied that philosophy toward the worker in the work place, along with the Saskatchewan attitude that occupational health is an engineering problem—as we talked about in the Ministry of Labour estimates—I think we'd have a nice combination of intent on the part of the government; namely that we regard occupational health as an engineering problem and we'll do whatever we can to ensure that the hazards are minimized in terms of health and safety. It is an engineering problem, but at the same time, when it comes to the worker, we regard the worker as being in a social setting on the job and his well-being is important, more than just physically but mentally as well. I believe that in the days to come and the years to come, many of our problems in occupational health are not going to be so easily identified as they have been in the past—namely, an injury or an industrial disease that we call cancer, or asbestosis or chronic bronchitis—but it will be problems that are related to stress. It may not be that the blue collar worker suffers from it any more than any other worker, but that's the kind of problem we're going to be getting in with. We're going to be dealing with them I think. They are there now, and as long as we have a philosophy of work that deals with the worker as an economic unit and the work place as having only an economic dimension, we're never going to come to grips with that problem.

[3:45]

I am totally convinced that we are going to have to deal with diseases associated with alienation and stress in the work place in the years to come and I am worried that the minister is committed to that kind of campaign on occupational health. I am concerned as well that the person she has hired as the director of the occupational health branch, who is a medical person, will have that kind of commitment as well. Quite frankly I don't want to malign the medical profession, but they have not regarded it—

Mr. Foulds: Some of your best friends are doctors.

Mr. Laughren: —they have not regarded it in that fashion. As a matter of fact, you would agree with me, would you not?

Mr. Duksza: Yes, yes.

Mr. Foulds: One of my best friends is a doctor.

Hon. B. Stephenson: Really?

Mr. Laughren: The member for Parkdale agrees with me.

Mr. Shore: Is he a real doctor?

Mr. Laughren: And I am saying to you—

Mr. Breaugh: He is the kind you need, Marvin.

Mr. Shore: Do you get good advice over there?

Mr. Deputy Speaker: Let's have some order, please. The hon. member for Nickel Belt will please address his remarks through the Chair.

Mr. Laughren: Thank you.

Mr. Deputy Speaker: There will be less chance for interjections.

Mr. Laughren: Thank you. I appreciate that, particularly as it is protecting me from my own back-benchers!

I am saying to you, Mr. Speaker, through you to the minister, that we should start to deal with that problem before it becomes the issue of the day, because I suspect that it is just around the corner.

I believe that the government's record on occupational health is dismal, to say the least. I think that its commitment has been non-existent and I assure the minister we shall be pressing, day in and day out in the days ahead, to make sure that this legislation does not become simply window dressing.

Mr. Bullbrook: I want to begin by voicing again my great admiration for you personally when you occupy that chair, because you do a great job as Speaker. I didn't see one flicker of assertiveness or negativism when he went through this balderdash about doing away with the Workmen's Compensation Board and implementing a comprehensive social insurance universal compensation system, such as I think they do in New Zealand—

Mr. Warner: Ask him how he will vote.

Mr. Bullbrook: —which, of course, is almost a complete tragedy as the people of New Zealand—

Mr. MacDonald: Who says?

Mr. Laughren: Slander, oh slander.

Mr. Bullbrook: —begin to agree, month by month. But I say to you you are truly an

objective Speaker. I intend to direct my remarks solely to you, as the arbiter of objectivity and justice in the House, because it has been a long time since I have seen a piece of legislation that requires this sweet injection of the temperate view of the Liberal Party to make a proper analysis of it.

Interjections.

Mr. Bullbrook: Because my friend from Nickel Belt, if I have properly written down his attitude and I quote from him, says:

Mr. Samis: Legalese.

Mr. Bullbrook: "The workers should control the work place." Well, if that's the attitude of the New Democratic Party—and I don't know whether the attitude of the Tory government is that the management right clause is universal and sacrosanct, we don't agree with either one.

As I said in the opening of the estimates—

Mr. Warner: You have never been a worker.

Mr. Bullbrook: —of the minister some several weeks ago, the fact of the matter is we have got to bring a little social democracy to the work place, a little coming together of both of them.

Mr. Samis: You can't have it both ways.

Mr. Bullbrook: You know it really—

Interjections.

Mr. Bullbrook: I want to say one other thing too. I was sitting here and when he was talking about the social disease—what was it? What was the word that my colleague from Nickel Belt—

Interjections.

Mr. Bullbrook: —of alienation—of the social disease of alienation, I want to tell you there's one type of employee who can overcome that social disease right away and that's a member of the legislative assembly. All he has to do is say, "I am alienated, I am not going to run again. I have given up." I heartily recommend that. I heartily recommend that to some of my colleagues—

Mr. Davidson: Is that what you are doing—

Mr. Bullbrook: —from the New Democratic Party.

Interjection.

Mr. Bullbrook: I have yet to see such mouthing of platitudes for the workmen as some of these people. Some of them weren't here in 1970. I want to read something.

Mr. Davidson: Keep talking. We'll use it at the next union meeting.

Mr. Warner: Is this debating the bill?

Mr. Bullbrook: He talks about using it at the next union meeting. If he means in Cambridge, I can well understand that. I want him to come down to Sarnia and join in some of the union meetings there some time. They hold them in telephone booths as a matter of fact.

Mr. Samis: What about the bill?

Mr. Shore: Do they really?

Mr. Bullbrook: They certainly do. All the NDP there have lost their deposit for the last four elections in a row in Sarnia. They want to come down to that great place of the working man. Let me read you, Mr. Speaker, something that happened in 1970.

Mr. Foulds: Why don't you resign now so we can have a by-election?

Mr. Bullbrook: In 1970 we were putting forward amendments to The Mining Act, and the Liberal Party at that time—specifically the then member for Sudbury and my present colleague from Erie—put forward some amendments to The Mining Act. Section 2 was amended by Mr. Haggerty, seconded by Mr. Sopha, and the motion was for the establishment of a safety committee under The Mining Act, with proper definition. The vote was: the Tories voted against it, the NDP voted against it. That was back in 1970 when we wanted compulsory safety committees.

There sits in the gallery right now a former colleague of ours, that great friend, Mr. Hugh Peacock, now liaison officer with this assembly from the Ontario Federation of Labour, and a man, by the way, who has given me much education over the last few weeks.

Mr. MacDonald: That I can believe. That I can believe.

Mr. Bullbrook: I hope that doesn't interfere with his job. But the New Democratic Party voted against it. There was a second amendment at that time to The Mining Act which gave the power to the safety committee to enter upon and make recommendations with respect to the proper safety of

the employee. The New Democratic Party took it upon themselves at that time to vote against it.

That happens to be six years ago, and I hear my colleague from Nickel Belt stand up and say, "A little bit too late," knowing that his party, for what reason I can't recall—I just can't recall why they voted against that—but in any event they decided that it wasn't appropriate.

Mr. Samis: Why don't you talk about the bill?

Mr. Bullbrook: Why don't I talk about the bill? I have to, in fairness, point out that we as a party are not going to subscribe to that narrow approach that says the workers must govern the working place. There are a lot of things wrong with this legislation, but basically anybody who has read the Ham report compliments the ministry on a beginning with respect to implementation of some of his recommendations. We intend to support this. We understand the Ontario Federation of Labour supports the bill in principle. We understand the Ontario Mining Association supports the bill in principle.

What we are going to do is attempt to bring forward amendments which we think will enhance the effectiveness of the bill. We are going to support amendments which we think will enhance the effectiveness of the bill.

When I got up, and you indulged me, and I interrupted my great colleague from Nickel Belt, that fine friend, when I interrupted him he was talking previously about the word "may" in two sections, 4 and 5; and he found that offensive. I find it much more offensive in 5 than in 4 because at least in 4 we have some delineation of the discretion to be exercised by the minister but we don't have anything of that nature in 5. I am not happy about the word, "must", but to get up and spend five minutes talking about making it mandatory, and then to read from other legislation which isn't mandatory—the fact is that there is the seed within the words themselves, "more than 10," that we have to discuss in this assembly.

First of all, I put it to you, Mr. Speaker, does it mean that it should be mandatory? Must the minister in every case appoint such a committee whether the employees or employers don't want it at all? Whether it is for four employees or not? I say frankly I want to have a debate, and a significant debate, among all of us when we are in committee to decide what would be appropriate in the circumstances. On the one hand I see

a need for placing an obligation upon the minister where she can't negatively exercise the discretion and where it is warranted that she appoint such a committee. On the other hand, I don't think we can straitjacket the minister in such a position that she must appoint in every instance.

We have been given some amendments already—I don't think that particular one is covered in the amendments—and I look forward to some degree of receptiveness on the part of the minister to an amendment which might be put forward. I hesitate to put the amendment forward because frankly I wrestled with the propriety of the wording of it. I am going to be very interested.

If it deals with 10 or more, I wonder if that's not unduly arbitrary. It concerns me that in a situation where there is a whole-some reciprocity of attitudes between management and its collective bargaining agent and they feel they have done an adequate job themselves—such as exists in some industries, at least in some plants in Ontario—why is it necessary that we impose upon the minister an obligation to intervene when they are doing the very thing we want them to do? That is, together under the collective agreement, they're protecting their individual employees.

That's why I'm vitally interested in listening again to the amendments of the New Democratic Party. I want to say we'll make no commitment one way or the other but we will decide on the reasonableness of it.

If they make a valid argument that there should be a number and we think that number is reasonable, I think my colleagues would follow my thoughts and my guidance since it is my responsibility as official critic to recommend to them what we do. I want to say that we won't go for universality. If that's what it is to be we will vote with the government as much as we don't like it.

Those are some of the things we want to come to grips with during the course of the committee. It is extremely important that we rewrite this legislation to cover things which are not presently covered.

With respect to section 2 and the cessation of work activities in unsafe conditions, there are two things which cause me great concern. First of all there are the words "reasonable cause." There's a great body of legislation under the labour arbitration cases which has defined reasonable cause mainly in the context of (1), the factual situation and (2), the terms of the collective agreement itself.

The problem here is that we have people outside the purview of organized labour who

are to be covered, I would hope, under this statute. I think we have to have some definition of what constitutes reasonable cause in the circumstances.

For example, I had a representative, the chief steward of the IBEW, who came to me last Thursday in connection with this matter, about the lineman for whom the essence of his undertaking is an unsafe condition almost; a hazardous condition. He asked me, "How am I going to guide those people within my bargaining unit who might take a position arbitrarily that their work is unsafe when we recognize that the very nature of the work at times is unsafe?"

As a matter of fact, the more the work is needed, the more unsafe it is. It's after the storm, when the lines are down and things—the word "thing" is used in this section—are unsafe that we have to call upon these people to remedy the deficiency. I am vitally concerned. There might be a manifest and obvious answer that I am missing but I am very concerned about the definition of unsafe as well as some elaboration as to what constitutes a unilateral judgement by the employee which would support the words "reasonable cause."

The Ontario Mining Association—I want to read this into the record at least partly—has suggested the definition in the Manitoba mines Act. I don't think it suffices, frankly, but if I might I'll read it:

"Unsafe means any condition existing that constitutes a risk to an employee that is not normal to the usual risks of a job that an employee is required to do from time to time and shall be deemed to be a condition that is dangerous to the health of the employee or to the safety of the employee in the performance of his work."

[4:00]

That, as suggested by the Ontario Mining Association, is lifted totally out of the Manitoba mining Act. It does overcome, as I think the minister would agree, the problem where there is an inherent nature of risk in the normal work activities. I really don't think her section covers that. In that respect I think it puts too much of an onus upon the employer, and I think that's something we've got to cover.

There are other things that have been covered by the member for Nickel Belt that I had made comment about before. On sections 4 and 5, the question of discretion, I agree with him—

Mr. McClellan: Tell us what the association wants.

Mr. Bullbrook: I'm sorry; I'm prepared to—

Mr. Acting Speaker: Order, please. The hon. member will continue.

Mr. Bullbrook: No, I am prepared to take a question if he wants.

Mr. Acting Speaker: The hon. member will continue the debate in second reading.

Mr. Bullbrook: All right. Before the question, I was dealing with whether sections 4 or 5 should be mandatory. I pointed out, as my colleague from Nickel Belt neglected to point out, that section 5 is much more deficient than section 4. At least section 4 does try to catalogue and delineate the guidelines to which the minister should subject herself in making a decision. I also am very interested in section 4(3) and the question of who actually conducts the appointment to the committee itself. That doesn't seem to be defined. It reads: "A committee shall consist of such number of persons as the minister may prescribe . . ."

Mr. Deans: Is this clause by clause?

Mr. Acting Speaker: Perhaps the hon. member would keep his remarks to the principle rather than debating clause by clause at this time.

Mr. Deans: Absolutely.

Mr. Mackenzie: When is he going to start?

Mr. Bullbrook: I want to say something to you, Mr. Speaker. You weren't in the chair, and I say this most respectfully, but we went through at least 35 minutes of having to digest the propriety of the accident prevention function of the Workmen's Compensation Board, which has nothing to do with this legislation.

Mr. Laughren: Not true.

Mr. Bullbrook: I want to say to you, Mr. Speaker, it has always been my intention to abide by the rulings of the Chair, and I'll abide by that ruling, but I want to ask your indulgence in this respect: I'm trying to deal with principles, and the principle I'm attempting to deal with now is the question of the appointment and constitution of the committee. I'm directing a question that involves the principle of who should be

responsible for the appointment, so that the minister will feel free to respond during the course of her contribution on second reading to give us some idea of what her intention might be in committee. I appreciate very much the censure that you've placed upon me. I'll try to restrict myself accordingly.

Mr. Acting Speaker: The hon. member will continue.

Mr. Bullbrook: Thank you. I'm interested also in the question of why the guidelines under section 4 with respect to the exercise of discretion, are not again used under section 5. Is that a purposeful thing or was it just an oversight? I think it must be purposeful because otherwise it would be an unduly significant oversight.

I want to transfer a thought from section 4(7) to section 9, and that is the question of the remuneration of the employee during the time when it's being assessed whether he has the right to not work. It doesn't seem to me that the legislation covers entirely his position. With your indulgence, Mr. Speaker, section 9(c) does refer to the fact that "no employer or person acting on behalf of an employer shall impose any penalty upon an employee." I just wonder if the cessation of work and the lack of pay during the time of cessation of work can be construed as a penalty.

Mr. Renwick: I would think so.

Mr. Bullbrook: My colleague from Riverdale says he think so. There's certainly an argument to be put forward that you're not subject to a sanction if you're not working. In any event, I think we should cover that, because the member of the committee, as we see under subsection 7, is paid during the exercise of his function as a member of a committee. In the case of the employee who has decided not to work, during the interval of the assessment of the propriety of that decision I think we should define whether he's entitled to remuneration or not.

Mr. McClellan: Is that what the Mining Association wants basically?

Mr. Bullbrook: I don't know really whether that's what the Mining Association wants or not. Is the Mining Association big in Parkdale?

Mr. McClellan: I thought it was in the letter the member was reading from a moment ago.

Mr. Bullbrook: Under subsection 10, I'm also interested in who lays the complaint. Is it limited to the ministry? If it is, then I consider that ineffectual. I think the bargaining agent, and failing the existence of a bargaining agency, then the employee individually or any individual employee should be able to lay the information upon reasonable cause.

Those are basically matters of concern to us. As I say, we support the principles of the legislation. My colleague from Nickel Belt spoke about three principles. I'd say there are four, and I'm happy to regard one as an additional principle. That's the principle of transferring the responsibilities of The Mining Act, The Silicosis Act and the industrial health and safety legislation to the Minister of Labour. I've totally felt and I've voiced over at least almost a decade that the Ministry of Labour must be a very vital ministry. I don't think there's any ministry that can have a more significant impact on the social and economic welfare, mainly the social welfare, of the people of this province than the Ministry of Labour. It wasn't appropriate that these functions, which are all in essence welded into one shouldn't rest with the Ministry of Labour. That's the way we would want it.

We'll support the bill as best we can. We'll do it without the necessity of coming down with rather exaggerated claims. We'll do it, we hope, without the necessity of taking sides where we have to say that the worker controls the work place because I don't subscribe to this. My party doesn't subscribe to it, no more than we subscribe to the fact that management should control the work place.

This is the type of legislation that thirsts for some type of reasonable debate and not debate conducted in a juvenile fashion with a rather socialistic chip on one's shoulder. Let's try to do the best for the people.

We're trying to bring some legislation through that will assist the working people of this province. None of us can stand above the other in this respect and say, "I am holier than thou." We all work together toward the same end. Let's act, as our function should direct, to work together for the best type of legislation possible. Let's forget our past deficiencies. If some of us in 1970 decided not to subscribe to that type of legislation, then we have divested ourselves and we have cleansed ourselves of that error.

Mr. Acting Speaker: The hon. member for London North has the floor.

Mr. Angus: Where is your audience?

Mr. Deans: Do you agree with them?

Mr. Shore: They have a lot of confidence in me.

Mr. Acting Speaker: Order, please.

Mr. Laughren: Is it true that they didn't have a going away party for you?

Mr. Deans: The question is are they here supporting you?

Mr. Shore: I know most from Hamilton are. It is a privilege for me to extend my support to Bill 139, An Act respecting Employees' Health and Safety, proposed by the Minister of Labour. Before I speak specifically on the principles of the bill, I would just like to comment—

Interjections.

Mr. Acting Speaker: Order, please. The hon. member has the floor.

Mr. Shore: Incidentally, is the member for Oshawa receiving treatment? I just want to know if he is or not.

On the issue, before I get into the generalities of it, Mr. Speaker, I had the privilege of attending the Labour estimates last week, and I truly believe there's a lot of constructive information and dialogue that comes forward from there. I don't believe, on the other hand, there was much destructive information that was coming out of there. The members opposite, particularly the members of the socialist party, the NDP, as the member for Sarnia observed, appear to attack things on a negative basis very well. Very well. I don't believe that I have to necessarily stand here, and I don't believe the minister needs me standing here to defend her policies.

Mr. Laughren: That is for sure.

Mr. Shore: Nor does she need me here to defend her personality or her personal position.

Mr. Angus: She doesn't need you at all.

Mr. Shore: But it particularly disturbs me, not in defence of the minister, who is quite capable of defending herself if needed, but it particularly offends me to sit in those Labour estimates and see and hear some of the things that I did hear.

Mr. Mancini: Speak to the bill.

Mr. Laughren: Be specific, be specific.

Mr. Shore: Some of the things that I truly did hear. It really bothers me. If they truly

are interested in advancing the cause for improvement in this area, they would address themselves to this.

Mr. Laughren: Don't be so vague. What are those vague innuendoes you are referring to?

Mr. Shore: Can you hear when you're talking, Floyd? Or do you find that it matters? It doesn't really matter, does it?

Mr. Acting Speaker: Order please. Perhaps the hon. member will return to the principle of the bill.

Mr. Laughren: I think he has passed it.

Mr. Shore: Right. Mr. Speaker, it is very important in the development of the type of society that we want here in Ontario that the government be prepared to act to protect the rights of those who, by virtue of the nature of the work they do, come into contact with the possibility of injury and therefore should have the right to exert their own prerogative in a responsible fashion to protect themselves. Members opposite are consistently raising questions, as is their responsibility, with respect to hazardous working conditions, the operation of the Workmen's Compensation Board, and the circumstances that often contribute toward unsafe working circumstances for some of our citizens. But incidentally, they don't have licences to be the only ones speaking for the working force.

While members on this side of the House share the concerns of those opposite, and express that concern in many ways, both in caucus and directly to the minister, the reality is that we on this side of the House know that Ontario safety standards and the standards set by our Workmen's Compensation Board rank among the highest in the world. They do.

Mr. Deans: "We on this side of the House"? Which side is that?

Mr. Ferrier: What?

Mr. Shore: Are you okay there, Mr. Deans? Everything all right?

Mr. Acting Speaker: Order, please.

Mr. Shore: Sorry it's starting to bother you.

Mr. Deans: I find it amusing, "We on this side of the House."

Mr. Acting Speaker: The hon. member will refer to other hon. members by the riding rather than by their name.

Mr. Deans: He has never been able to figure out what side his seat is on. He has trouble finding his seat.

Mr. Shore: They are comparable to any other jurisdiction in North America. They are perhaps a far greater protection than many workers in Great Britain and other places enjoy. I believe that the government has a responsibility to continually review the protection which it offers in this respect, move as fast as possible in that direction, and ensure that the protections operate in a fashion which will guarantee personal safety and are economically viable. I am sure members opposite would not want a circumstance where the prerogatives with respect to personal safety were used in such an irresponsible manner or fashion by any worker or group of workers to the point where it became simply economically less than viable for a particular construction site or a particular project to continue.

I believe this bill shows the good faith of this government and the positive attitude of its minister and concern of this government for the safety of the working men and women of this province. I think it's also a challenge to the responsibility of the working men and women of this province. There will be the odd abuse on the part of the odd individual who will see it as an excuse to be used irresponsibly, but I am sure—and I stress that, Mr. Speaker, I am sure, as I think are most of the members who have dealt with constituents who have great concerns in this area—that the vast majority of the working men and women in our province will be exceptionally responsible in the use of this Act and the protection which it provides them.

[4:15]

It's important too, that the bill provides for third party investigation and deliberation with respect to the ultimate safety of a device or a machine or working circumstance. That, I think, is the ultimate protection both for the employer who may believe he is being unfairly victimized and for the employee who believes that the circumstance is genuinely unsafe.

Mr. Ferris: Who wrote this?

Mr. Shore: I want you to know that I've worked in the work force and I want the people on the other side to know that I've worked for the Steel Company of Canada. I know a little bit about it. You're not the only ones.

Mr. Foulds: Let me see your hands.

Mr. Acting Speaker: Order, please. The hon. member will continue debating the principle of the bill.

Mr. Shore: The provisions of section 4 of the Act, which allows the minister the prerogative to require an employer or group of employers to establish a joint health and safety committee, afford the government an opportunity to ensure that in the structure of economic and industrial development which will ensue in Ontario from this day forward, the notion of safety and workers' health becomes one of the critical elements in overall economic planning and project planning. I think that is very important. I think that is a major step forward for our jurisdiction and a step forward for our province.

Of equal importance, the provisions in section 9 would make it illegal—and I stress illegal—for any employer or agent of an employer to dismiss or threaten an employee, discipline the employee, impose any penalty or intimidate the employee as a result of the employee having asserted his or her rights under the provisions of this Act.

What is of equal importance as well is the fact that part IX of The Mining Act, excepting section 6, subsection 16, is now assigned to the Ministry of Labour, as the member for Sarnia alluded to or stated. That represents an opportunity for the government to pull together the occupational safety thrust, which it has been developing for some time, under one ministry which I believe will operate not only in the interests of the working men and women in these circumstances but also in the true interests of the companies and the corporations which can now deal with one unified sector of government as they adapt to new rules and regulations.

Mr. Laughren: Did John Munro write this?

Mr. Shore: Who wrote yours? The only notion I would add and it may be a little bit superfluous—

Mr. Ferris: Don't say it then.

Mr. Shore: —is regarding the physical fitness and well-being of white collar workers who may not come into direct contact with physically hazardous circumstances or machines, like some of the members—the member for London South who probably hasn't had that experience at all.

Mr. Cunningham: Is it a hazardous position for the member for London North?

Mr. Shore: Although there are some who would argue that perhaps the most hazardous machine around is the telephone—in some instances even being a member of this Legislature may be hazardous—I think that before laughing at that kind of assertion we might give some serious thought to the many citizens of our province who are involved in the insurance industry, like the member for London South, and large corporations and governments and other concerns. They are involved in large amounts of desk and office work and can build up physical disorders over a period of time which relate to stress, to lack of exercise and to consistently sedentary activity which can cause very serious health concerns as one approaches one's middle age.

This Act, of course, is not the place for provisions in this respect. I would hope that some day in Ontario we may have the physical fitness assistance, counselling and advice as part and parcel of the employee benefit package which white collar workers could enjoy as part of their overall circumstances.

Mr. Ferris: Help the accountants.

Mr. Shore: In many senses, being able to run around the track for an hour every day, to eat balanced food, to stay away from excess amounts of alcohol and cholesterol and to exercise regularly might be of more real value—in terms of earning power in one's middle years and the health which is necessary to sustain that earning power—than dollars on a pay-cheque. That is for discussion at another time.

It is truly a privilege for me to extend my support of this bill and my congratulations to the Minister of Labour on having brought it forward. It is truly a progressive and humane piece of legislation.

Mr. Laughren: Now we know who wrote it.

Mr. Bounsall: In rising to speak to the employees' health and safety bill, I must say that when it was first tabled I was a little disappointed in the areas that this bill did not cover. We had a very excellent Ham commission report and many of its recommendations are not even touched upon in this particular bill.

I understand the minister is bringing in an omnibus bill dealing with the structures and so on of the institutes and her ministry to deal with matters of this sort. If that's what the omnibus bill is, and it will not have

contained within it this Act itself, or further steps beyond this Act, then we have before us in this Act the first tentative step toward the protection of workers in Ontario. It is an Act which would be and should be extended and amended with a fair degree of regularity to have before us an Act which is really going to be workable in the province of Ontario and one which truly fulfils what I see to be the principles emerging from this bill.

I see among the principles which emerge from this bill, first, the consolidation of responsibility for occupational health and safety within one ministry, the Ministry of Labour. That is certainly a principle worth supporting. It is certainly a step forward over what we've had, where the mining industry has been separated from industrial safety and construction safety, which were in another ministry, with some of the inspections of those places and some of the monitoring and some of the advice to be given in the area of occupational health and safety in the work place residing in yet a third ministry, the Ministry of Health. So the principle of the consolidation which we see in this bill is certainly a principle which can be supported.

The right to refuse unsafe work as outlined in sections 2 and 3 of this bill is certainly a step forward relative to what appeared in particularly the old Industrial Safety Act, which I will dwell on at some length. Certainly the general principle of the right of employees to know and participate in matters of occupational health and safety—to help in fact set up the framework by which health and safety will be conducted in their plants and in essence setting and drafting the safety policy in their work place—that whole principle is a principle which we can support. So in general there's nothing contained in this particular bill which in principle we would not support.

However, when we get to looking at some of the details I feel that the bill is quite inadequate to achieve the general principle which the minister and the government is laying forth in the bill. When we come to the committee stage there'll certainly be amendments to those sections and a lot of dialogue between ourselves and the ministry and the officials over those sections which we feel must be improved in order for this bill to work.

There's been some indication from the previous speaker from the Liberals that the persons to whom this bill applies in the formation of health and safety committees and the work places that it should apply to

all and should not be left entirely to the minister's discretion or the minister's orders. The point was made that this should be mandatory for most if not all work places with 10 or more employees—that that section of this bill dealing with the health and safety committees should be automatically applied.

Perhaps the minister can assure us that under that section establishing the health and safety committees she is going to say on passage of the bill something to the effect that "all the employees in this particular industry—" and list the industries—"will have health and safety committees" or, "all work places in which there are 10 or more employees—" or some figure which the minister has chosen—"will have health and safety committees by the order which I'm making under this legislation." If we understand from the minister that's in fact what she's doing, rather than wait for individual trouble spots to arise and say, "Okay, we'll have a health and safety committee there"—if that's all she is going to do that is not going to be an effective system of occupational health and safety committees in this province.

I was at a meeting on the weekend in which I had a presentation by a member of a local union with respect to the health and safety problems in the plant that he worked in, and he was speaking not only of his plant but generally of plants across Ontario. I wished I could absolutely have assured him that, as a result of this bill coming to debate before us this very day, two days after he presented his concerns, health and safety committees would be mandatory for most work places across this province. That was a subject which interested him greatly, but one just couldn't say that.

We could say that there's a bill coming before us which allows a better right to refuse than what now appears in the legislation. It sets up a provision for some health and safety committees, but unless the minister indicates that she's going to employ her discretion under that section to make them virtually widespread, it does not say that those committees—which in my opinion is the proper way to organize safety matters across this province—will become widespread.

On the refusal-to-work section, I have looked at it, read it three or four times, thought about it and I can't find any rabbit going into the hat in these sections in terms of any loopholes. Perhaps as I consider it further, I might. I remember in virtually all Labour estimates that I have participated in

for the last five years except this last one, because we were having these amendments before us, I have spoken upon how weak the right to refuse to work in unsafe or hazardous conditions was in the legislation that we had. Under that legislation the worker could, in fact, finding himself in an unsafe situation, declare that it was unsafe, apparently taking that one section of the Act that appeared that he had this right. Then one finds that all his foreman had to do was come down, look at it, declare that it was safe and order him back to work. If he refused to go back to work he was dismissed, suspended, what have you, and the whole grievance procedure having to be worked through over that case. That's all we had previously.

Under these provisions here, if he feels any machine, device or thing or location is unsafe, he reports it to his employer and may refuse to work. If the employer comes down, or whoever represents the employer, and finds that in his opinion it is safe and the worker still disagrees, he may then call in an inspector. Just that one step right there is quite a step forward, since heretofore he could be ordered right back on to the job.

If there is no agreement at that point, then the employee can require the inspector to come in and the inspector then inspects that work place in combination with any worker representative who has been appointed, with the employee, with the representative of management and then he makes his report. Hopefully it's a report which will correct the situation. That report, under another section of the Act, must find its way to this safety committee if that safety committee is in existence and has been so designated and set up by order of the minister.

Here again that's a weakness in this whole approach. It may not exist in that work place. There may not be a place for that report to go, to a group of people who are interested in the health and safety of the work place, but if there is, there's a much improved method by which that employee can feel that his work has a fair chance of being safe or being made safe, and that is certainly an improvement over the present situation.

[4:30]

I suspect that in addition to what is here, when that government inspector makes his report, which will certainly contain a decision of some sort, and even though he has been in the presence of all those concerned—the employee, the employer and anyone on the safety committee or the safety representative that we appoint in section 5 of the Act—who

investigated it in their company and reported back to them, perhaps the problems still exist and the inspector's report is the end of it.

I think there should be in this Act, right at this point, the provision of a further and final appeal to the minister, however the minister might want to carry that appeal out. She may leave it to the Labour Safety Council or to some other committee that she forms. Of course, that appeal would be open to both the employer and the employee. But I think there should be a step beyond which, in a formal way, an appeal on that inspector's decision can be taken easily and readily.

There is a non-finality about the inspector's report if it is still felt by the worker himself, or by his safety representative or by the safety committee that it still has not had an adequate provision made. Or in some cases the employer may find himself in a situation where, in the speciality of the particular work place involved and the particular operation involved, he has not been able to convince the worker on the job or the inspector who comes in that the machine, which he knows is there to do the job, is in fact doing it in a safe way.

On the basis of the technical knowledge involved, the employer from time to time may well want to appeal the decision of an inspector which he feels may well not have been made with as much technical expertise as it should have been—expertise which would come into the deliberations if the right of final appeal was then made further up the ministry, to the minister or to whomever the minister might designate that appeal.

The next part of the bill, dealing with the establishment of safety committees, in my mind has a lot of loopholes, a lot of inadequacies and a lot of other things which should have been considered. One of the things that I find not at all palatable, as I mentioned before, is that this is permissive legislation. It says the minister may order an occupational health and safety committee to be formed. Now, one of a couple of things is going to happen: We pass the legislation and no committees are ordered to be formed or very few committees are ordered to be formed.

What this legislation really should do is to say that, by the passage of this piece of legislation, we in Ontario are going to have all sorts of health and safety committees in every work place. The minister really should be thinking that there should be a health and safety committee formed where there are 10 employees or more in a given work place. We choose 10 as the number, but we are not inflexible on that. We can go to eight or 12 or

maybe as high as 15. The number 10 is chosen because it exists already in one province in Canada where it is mandatory that these committees be formed where there are 10 employees or more.

It is interesting to discover why they chose 10. They were looking to choose the lowest possible number of employees where a health and safety committee would be mandatory. They chose the number 10 because they felt in Saskatchewan that was the number required to allow for the effective operation of a health and safety committee without undue employer pressures on those employees who would be on that safety committee. There is always some pressure. If there is a firing or what have you, section 9 takes care of it but there can be intimidation.

The question in Saskatchewan when they chose the number 10 was what was the smallest number of employees they could have so that a health and safety committee could be formed from and including some of those employees without those employees feeling some intimidation. Obviously, it would be pretty difficult to have a health and safety committee required to be formed where there is a situation of a man and his wife running a business with a couple of employees. They are talking to each other all the time, in any event, in most of those locations. It is not very reasonable in that particular situation to say they have to have a health and safety committee because it would be the case of the employer talking to the one employee he talks to most anyway. The question was what number would be the number to reach at which it is feasible to have a committee where there wouldn't be the close personal relationship which exists in the rest of the working atmosphere. The number 10 was chosen.

If the minister says one wouldn't get to that number until 12, 14 or 15, then we are willing to be convinced but not to let it be wide open as section 4 allows it. The minister sets up the health and safety committees at her discretion and not to require these to be formed widespread across the province is really quite inadequate. There's some indication already that the amendment placed in this area could well be successful when we reach the committee stage.

As well, the committees that would be established under a toughened, stiffer section should be established in a much more widespread way in the province. It should include everyone. It just shouldn't be the definition of work place as contained in the definition of the bill. It should be much wider. They should include, for example, not just those in-

dustrial establishments under The Industrial Safety Act or mining establishments under The Mining Act or construction projects under The Construction Safety Act, but should be wide enough to include virtually everybody in their work place. It should cover agricultural workers, over 60 plus employees, legislative assistants and research people such as the NDP caucus employs. They don't work under very unsafe conditions most times.

Hon. B. Stephenson: I don't know. In your caucus they may.

Mr. Bounsall: There may be a situation there, and it should be mandatory that we should have an occupational health and safety committee formed between ourselves and our group of employees. I don't see any reason why we should be let off the hook or why other similar groups of our size in white-collar positions should not be required to have that same health and safety committee even though white collar positions, by and large, are much safer than those which appear in the manufacturing and industrial complexes and in the construction and the mining areas in Ontario.

That Act says at least half of the membership should be employees. I would think that most committees would be formed equally of employer and employee representatives and that one could establish that there be co-chairmen of that committee, one from each side.

As to the safety committee itself, in those few places that under this Act the minister designates shall have a committee, in looking at the formation of that committee, there are some things that bother us a bit. I think there should be a provision right in the Act in which the chairman of that committee is designated. In the Saskatchewan legislation, co-chairmen are in fact designated directly in the Act.

The frequency of meetings one finds here—not less than quarterly and not more than monthly—is not really adequate. I think the provision should be they should be meeting at least monthly, even if that meeting requires only 10 minutes. If they work very hard over the years and have nothing much to report on in a particular month they can meet and decide rather quickly that they have no problems. So I think it should be at least monthly and, of course, more often at the call of either of the co-chairmen, or you can leave in that section of the Act, "or as ordered by the minister." There should be at least monthly meetings or more if it's required.

I say that because when these health and safety committees are formed they are going to be quite busy for the first few months or even several years of their operation. If there had not been such a committee in a plant before and not much attention being paid to safety in the particular location, which is the case, it's going to require meetings more than monthly to cover the issues which they want covered.

We can make provision for that by saying have them at least monthly or as required by the co-chairmen and if, after two or three years of operation, they find in a given month there's really nothing to discuss they can call a meeting and determine between them that there's really nothing to discuss further or occupy their time, and not much time at all has been lost from the work place on the part of the employer or the employee.

When I was chairman of the department of chemistry and set up in that department safety committees which included faculty and students as well as some staff representatives, to work effectively they found at the beginning a lot of meetings were required to map out the areas in which they had to look while the whole principle of how they were going to operate within that work place was being laid down. I can see this happening in every location where they are set up, so this particular provision certainly needs to be changed and updated.

Also, the problem here is this—and this was a problem which I was aware of in my experience. Let's say this health and safety committee makes a recommendation. There's nothing in this Act that really gives force to that recommendation. This joint committee can find a very unsafe area in their particular work place and recommend that changes be made, but there's nothing here that says that recommendation has to be carried out.

This always worried us about the department of chemistry as well, with hazardous chemicals around. We knew, for example, that those chemicals shouldn't be stored in a particular area. But our committee could only recommend; I wasn't empowered to build and renovate an area to accommodate such particular hazardous chemicals. It needed to go to the upper echelon of the university, where they would make the decision on funds. Even when the university subsequently appointed a full-time safety officer for the purposes of dealing with situations like this, if he recommended that that must be done, again, that was still a recommendation which could be ignored.

Again, in this bill, if there's really going to be some enthusiasm that these committees are going to be worthwhile spending one's time on to arrive at recommendations which should be carried out, there has to be a clause in this bill that indicates that those recommendations have to be carried out. If it takes a little while to achieve those recommendations, such as requiring a renovation to be done, that would be understandable and reasonable time limits could be allowed before it's obvious that the employer is not carrying them out.

But there should be a clause which says the committee's recommendations must be carried out. That can be followed up if the recommendations are not being carried out, and the provisions of the Act which allow for enforcement and offences could then be considered as being applied, if the recommendations were being ignored. But we need a section which talks about those recommendations.

[4:45]

We'll get to some of this in the committee stage, of course, but regarding the pay of the committee members, the Act indicates that the time from the work place for that committee to meet is to come from their normal working time and they're to be paid for such. But let's say a committee meeting starts at 2 o'clock and, particularly in the early stages, that committee may have a lot to cover and it runs until 6 o'clock, with the normal quitting time at that plant being 4 o'clock. It's clear from the Act that they would be paid from 2 to 4, but it's not clear that they would be paid from 4 to 6—and, in fact, that should be at the overtime rate. In other words, time paid for serving on these committees should be the total time expended on that committee, and, in the initial setup, if some of those meetings tend to run long, the total time should be paid for.

Section 5, dealing with the safety representative, is much more vague than section 4, even though there are changes needed in section 4. As for the safety representatives, whom we can call worker-inspectors or whatever, again I would feel much happier if the numbers were specified for those worker representatives; that there should be roughly one for every 25 employees or some ratio in that vicinity of 25 which indicates the number that should be in any particular work place.

Mr. Acting Speaker: Order, please. It's not the intent of the Chair to limit debate on the principle of the bill, but I would ask the hon.

members to direct their remarks to the principle rather than dealing with the bill clause by clause.

Mr. Bounsall: Thank you, Mr. Speaker. I will do more of that and will wrap this up fairly shortly.

Speaking to the principle, the bill at this point sets up a worker-inspector or safety representative whose duties are very vague. I won't take the time at this point to read them into the record, but a private member's bill tabled by the leader of my party, An Act respecting the Establishment of Worker-Inspectors in the Work Place, indicated some provisions running from (a) to (h) as the duties of this worker-inspector, while this bill covers them in total in two sections and is very highly oriented to what happens when an accident occurs rather than all of the other duties that a worker-inspector should be involved with. I would recommend to the minister that she look at those and come prepared to revise these sections. Certainly we would want to have some of those duties added to the bill when we reach the committee stage.

Speaking generally to the bill, I think a definition of occupational health needs to be included, perhaps in the definition section of the bill, in much wider terms than the concept of what we have in this bill, when one is really looking at accidents and the prevention of accidents. The member for Nickel Belt mentioned some of the clauses in other legislation which indicate quite clearly that the worker's physical, psychological, mental and social well-being should be considered as factors in the work place.

A proper definition of occupational health would include those factors so that the committees may talk about the mental, physical, psychological and social well-being of the workers as they see it in the work place and should be in this bill. Any bill that does not contain that is really sort of an extension into the work place of what the Workmen's Compensation Board has been concerned with—simply the accident situation and the prevention of accidents. This doesn't really look at the occupational safety and the occupational health of the worker. This is the time, I say to the minister, that it should be included.

The member for Sarnia in his remarks tried to make some headway about an amendment way back in 1970 with respect to The Mining Act that the New Democratic Party did not support. I've been able to put my hands on that amendment. That amendment, which we

presumably did not support, was simply one which said that a safety committee shall be established for the purposes of ensuring that the safety provisions of the Act be complied with.

Mr. Lewis: Oh, boy!

Mr. Bounsall: That old Act gave no protection at all, even in the refusal of work.

Mr. Laughren: What a fraud from the member for Sarnia! He is misleading the House with his statements. Where is the member for Sarnia?

Mr. Bounsall: That's precisely the point, that's precisely the reason—very clearly enunciated on page 6346 of the Legislature of Ontario Debates of 1970—we indicated we couldn't possibly support it.

Mr. Laughren: Shoddy politics.

Mr. Bounsall: It was an Act which was not adequate, particularly in ensuring the right to refuse work in a work place which was unsafe. It did not even have in it the concepts and some of the principles which we see here which provide for at least the possibility of discussion, by the possible formation of safety committees which would discuss the actual details of safety policy within the work place.

That's what was argued at the time as being the reason, and it is as valid now as it was then. We certainly would not vote for any amendment that simply had left those old work-place refusals for unsafe reasons there and did not allow the workers an input upon the safety conditions in their plants. At least in two respects, this bill will meet our 1970 remarks on the matter. It's very clear that if an amendment had been placed then which set up a safety committee which was capable of dealing with the matters outlined in this bill and not just to ensure the provisions of the old Act, which were no provisions at all in fact, we would have been interested in supporting it as we are, in general principle, interested in supporting this bill.

Mr. Acting Speaker: The hon. member for Essex South.

Mr. Laughren: See if you can bail out your colleague from Sarnia.

Mr. Mancini: I am pleased to speak on Bill 139, An Act respecting Employees' Health and Safety. I have to say that this type of legislation is certainly long overdue in the province of Ontario. Workers in this province in light and heavy industry and in manufacturing have been waiting for this govern-

ment and for Ministers of Labour to act on their behalf. I see finally that we have an effort put forth. Our party and myself are going to support this bill in principle. I believe my colleague, the member for Sarnia, our critic, has already stated that. I know he's upset some of my friends to the right of me who are really to the left of me, but I can't help that.

Mr. Mackenzie: We're glad you recognize that.

Mr. Warner: That's your problem, not ours.

Mr. Mancini: Before we can really see the results of this piece of legislation, I believe we have to wait a year or two to get the results back from the Workmen's Compensation Board to see if injuries in this province have declined. I think that's going to tell the tale. I'm sure the minister knows, and it's been brought to her attention once before, that now in the province of Ontario we lose more time in the work place because of injury and accidents than because of man-days lost on strikes. We've come to the point in this province where we just could not wait any longer. I assume that's one of the reasons why the minister has brought forth this piece of legislation.

If this legislation is going to be beneficial it will certainly be beneficial to both the employer and the employee. I'm sure all the members here in the House have had complaints from employees concerning bad working conditions and I'm sure that recently they've had complaints from employers about their increases in rates to the Workmen's Compensation Board. I have to agree with my colleague, the member for Erie (Mr. Haggerty) who said in the estimates the other day that he really wasn't too concerned about the employers when they were complaining about the increases in the Workmen's Compensation Board rates, because they weren't going to pass down their savings to the consumer anyway. Frankly, I have to agree with him. If we lowered the insurance rate to any of the large industries, I just can't see them passing this saving on to the consumer.

I am very concerned about one of the principles in the bill which will establish safety committees. My concern is not so much with the organized sector of the work force but it lies within the unorganized sector. I am really concerned that the employer might have some influence on his employees, especially if there is a small group, as to who will be on the safety committee and how the vote will take place and that type of thing.

Actually it has been said once already but I have to agree with it, that we just cannot wait for the Minister of Labour to go around the province picking out places which need these safety committees. I believe this type of thing should be used in all areas and in all parts of the work force. To think that the Minister of Labour or her staff has time to visit different places and say to them that a particular factory or a particular construction company needs a safety committee but there are 50 others who do not—really, I can't follow that logic and I just cannot accept that. I would hope this would be changed when the bill is in committee.

Also, it was mentioned before here that maybe the number 10 should be used as a figure before a company or an organization or a work place has a safety committee. Really, I don't find that objectionable, and I am sure that we might be able to support that amendment once it comes forward.

One thing that hasn't been brought out that I feel is very important is the fact that we have such a great many injured workmen in the province, and also that we have a Workmen's Compensation Board that is continuously trying to push the worker back on to the job, saying that he is capable of light duty. I have had an occurrence in my riding where the Workmen's Compensation Board encouraged a certain individual to go back to work on light duty. The fellow had quite a bad back, but when he went back to work, the light duties that the management had prepared for him and the light duties that he really should do were not one and the same.

Really, if a person goes back to work, and he is not completely recovered from his injury or his doctor and the Workmen's Compensation Board say he has to do light duties, then if he gets a job and it is not appropriate for him, surely he will be injured again. I think that is one of the things that the safety committee is going to have to look at: How are we going to classify these light duties for injured workmen returning to the job?

We just noticed today that the minister announced that 222 injured workers have been found jobs—oh, she didn't say that; well, that's three or four times I tried to quote the minister but I just can't get it right. I'm sure I heard that today. Anyhow, just going back to the principle of what I was saying, we are going to need someone on the safety committee who can state with objectivity what a light-duty job is, so these injured workers will not get injured again.

I was very pleased to see in section 9 that no employer or person acting on behalf of an employer shall threaten to dismiss an employee. This is something that is needed. It is needed very badly if this piece of legislation is going to be a success. One of my concerns which is very important is section 4, subsection 6. It says—

[5:00]

Mr. Speaker: Will the hon. member have much more to say, because it's now 5 o'clock and we have to get into the private members' hour? If so, you can adjourn the debate.

Mr. Mancini: Yes, I'll speak next day, Mr. Speaker.

On motion by Mr. Mancini, the debate was adjourned.

PRIVATE MEMBERS' HOUR:

REGIONAL MUNICIPALITY OF DURHAM AMENDMENT ACT

Mr. Godfrey moved second reading of Bill 95, An Act to amend The Regional Municipality of Durham Act, 1973.

Mr. Godfrey: Mr. Speaker, the purpose of this amendment is to bring a little sanity into our area.

As you will recall, sir, the region was originally formed on a rather tenuous basis, almost on "a let's see how it goes" basis. Historically we are made up of several diverse areas. We have to the north in our region a predominantly agricultural area where I happen to have the pleasure of residing, where we have very little in common with the area to the south which is highly industrial, with a magnificent industrial complex in Oshawa, Pickering and Ajax. This diversity of interest has led to a good deal of dissatisfaction between various people in the riding.

In making up this amendment, the members from that region, my colleagues from Durham East (Mr. Moffatt) and from Oshawa (Mr. Breaugh), held a series of public meetings—on January 13, 1976, in Ajax; on January 20 at Bowmanville; on January 27 in Oshawa; and on February 3, in Uxbridge. In addition to these public hearings at which we had a very large representation—at least ten-fold the number of the members of the government who are in the House at present—we had an excellent feedback from the people who are interested in what was going

on. In addition, we received a large number of letters and representations from the municipalities.

In justification for presenting these amendments I would like to excerpt a few of the comments which were made at those meetings.

Mr. Harema, who is a Liberal candidate in the area north of us, favours splitting off the three top townships and forming another region leaving a higher organized area below us as one township.

A Mr. McPhail, mayor of Brock, wanted more decentralization particularly as far as water rates and services are concerned—and these excerpts, Mr. Speaker, are not chosen. These represent a good deal of the input we had.

Mr. Belanger, a regional councillor, felt that many of our problems were concerned with over-centralization.

A Miss Todd, a representative of Goodwood, talked about the feeling of remoteness in the region to the north as being alienated—if I may use the member for Sarnia's (Mr. Bullbrook) term—from the south.

At a meeting in Ajax a Mr. Almack pointed out there was a problem with growth in our area and that the towns of Pickering and Whitby had been encouraged to take lands out of production and urbanize them by the effect of the regionalization.

Other comments were forthcoming along that line, with the result we, the members from that area, felt it would be more effective management of the region if we proposed the amendments as you see them.

The amendments are concerned mainly with the composition of council. We propose that all elected members be members of the council, bringing our regional council to 38. We also urge the maintenance of roads, sidewalks, sewers and water-works be returned to the direction and control of each area municipality. The reason for this, sir, is because of the unconscionable duplication which is continuing. It is not an uncommon problem to see trucks from Durham region and trucks from Ajax on the same street, one of which repairs the curbstone and the other which looks at the sewer manholes. This type of duplication, of course, leads to a very expensive way of running a region.

We strongly urge in our amendments to sections 11, 12 and 13 that all planning for Durham area is to be carried out solely by the regional council with appropriate input, of course, by the municipalities. We've also urged, by section 15, that area municipalities

will now be able to carry out their own financing under The Municipal Act.

Why are we proposing these amendments? Because we feel that a more expensive way to govern a relatively small area could not be contrived except with one possible exception which comes readily to mind.

The expense that is being borne by the taxpayers is clearly shown in one or two examples I would like to put before you. For example, in the matter of water rates, we now find that water rates are to be retroactive, according to a regional basis, and this has resulted in several cases of gross inequity toward industrialists and residents in our area. I have in my hand here a letter of complaint from an outstanding electronics manufacturing industry in our area which points out "there has been an increase of 1,500 per cent over our last bill for water covering the 90 days, May 1, 1976," from there on. Fifteen hundred per cent for a manufacturer to put out is a very large amount.

In addition to this, a large number of our new residents find they are denied the advantages of having a public utilities function for the sale of electricity. No area in Pickering is at present covered by a PUC. By the rules of the region at present, unless there's unanimous consent from the whole of the region the province will not institute an inquiry as to whether a PUC should be brought into our area. Naturally, some of the areas to the north feel that a PUC is not reasonable and they will drag their feet on this suggestion, with the result people in the south suffer a good deal of problems.

Another area which would be rectified by a reorganization of the region is the matter of education. Although we do not deal directly with this in the proposed amendment, we have found that some areas in our community have been denied junior kindergartens which they had previously, solely because the rest of this region simply will not or cannot afford to do this.

We also have a major condominium problem, which is compounded by the fact that the region will not stand by some of the lot levies which were originally charged by the municipality, with the result that condominiums cannot be registered.

These amendments to the Act constitute a start of what we will hope will be a more rational way of governing Durham region.

Mr. Speaker: The hon. member for Durham-York.

Mr. Moffatt: There go those 184 votes, Bill.

Hon. W. Newman: Mr. Speaker, I rise to oppose Bill 95—

Interjections.

Hon. W. Newman: —and would like to point out, Mr. Speaker, that it's great for—

Mr. Good: You are going to lose 184 votes.

Hon. W. Newman: —two or three members to stand up here and suggest massive changes to the regional municipality of Durham bill after a few ad hoc meetings with a few people at them. They were not large meetings.

Mr. Moffatt: It is a lot more meetings than you had before you started.

Hon. W. Newman: I had somebody at all the meetings.

Mr. Speaker: Order, please.

Hon. W. Newman: If you want to play politics in Durham region, that is your prerogative, but let's look at some of the implications of Bill 95 and what it means to the people of the region.

Mr. Godfrey: Mr. Speaker, I am not playing.

Mr. Speaker: Order, please. May I point out that everybody's on a time limit and there should not be any objections because it is unfair to that particular speaker.

Hon. W. Newman: The member for Durham West talked about the Liberal candidate, Mr. Harema. Mr. Harema was not a Liberal candidate for one thing. It is quite obvious he doesn't know what is going on in the area. Mr. McPhail, who is the mayor of Brock, is a supporter of regional governments by and large. Sure, he thinks there should be some changes but he's a supporter of it. You talked about Mr. Bill Ballinger. Sure, there are problems, but Uxbridge could not afford the extended sewer and water services they are going into now without the equalized regional rate which is set up by the region as a result of a grant from the province of approximately \$2.1 million.

I just want to get a few facts straight. This bill and the way it was generated represent what to me is entirely the wrong way to function in a democratic society. The member for Durham West has, on occasions in the past, criticized the Ontario government for what he sees as an unwillingness to consult with local governments, and yet he introduces a bill to radically alter Durham's

municipal system after only a few meetings with a few people.

First, the municipalities in the area commissioned a study in 1968 to look at their problems. Maybe you remember that. By 1969, they had decided to find a better system of local government and asked the province to help. We were invited by the municipalities to get involved in the examination of local government. Through 1969, 1970 and 1971, we worked with the municipalities on this project.

In May, 1971, the municipalities involved in the Oshawa Area Planning and Development Study, as the study was known, agreed to terminate the study and turn the recommendations over to the province. Interested people and governments were to submit their views by November, 1971. The province then proposed a new system of local government for the consideration of the local people. This led to over 150 meetings between the province and various groups in the region.

Mr. Haggerty: That is a lot more than you did in the Niagara region.

Hon. W. Newman: Even then, the local people commented and suggested changes and amendments, and some amendments were introduced in the Legislature at the time the bill was passed and some changes were made.

Mr. Good: But not Charlie McIlveen.

Hon. W. Newman: Even then, after a few ad hoc meetings, the New Democratic Party is willing to change the whole system.

The 17-section bill wreaks havoc on Durham region. It proposes to expel Uxbridge, Brock and Scott from the region. Yet just three years ago, the councils and residents of the municipalities, after a great deal of discussion whether they should go to Victoria or whether they should go to York, decided they wanted to stay with the region of Durham. Maybe the hon. member doesn't remember that.

Mr. Godfrey: Now they've left.

Hon. W. Newman: He may remember that we had originally suggested that some of these areas should move—

Mr. Hodgson: Too busy looking after yours.

Hon. W. Newman: In Bill 95, the NDP would change the system of election—a system that was established in each municipality at their request.

Mr. Moffatt: To appoint a Tory hack is what it was.

Hon. W. Newman: They would increase Ajax's representation to match Newcastle's even though the population is twice as large. It is rarely possible to adhere strictly to representation by population in some area municipalities, and they are asking for a different system. In Durham, however, in response to local requests, the system was close to representation by population. The member for Durham West would change this without consultation.

One of the shortcomings of the old county system, of which I was part—I sat on county council—was somewhat of a communications gap with our mayors. It was decided that we should pick up this communications gap in the regional governments; therefore, the mayors were included in the regional councils. The member for Durham West suggests that they be kicked off and does so without any local governments' comments.

The member for Durham West also proposes that the regional chairman should be elected at large—certainly a very costly and expensive programme.

Mr. Davidson: In every region.

Mr. Moffatt: Democracy.

Mr. Speaker: Order, please.

Hon. W. Newman: Instead, our view is that council should be supreme and the chairman be only head of council and not head of the region.

Mr. Haggerty: Elect them the way you used to elect the wardens. That is a very—

Interjections.

Mr. Speaker: Order, please. There will be opportunity for many of you to speak later.

Hon. W. Newman: The provincial system is build and maintain major highways, the county system to build and maintain arterial roads, and the local system to build and maintain local roads.

I won't say this system can't be improved upon, but to arbitrarily scrap the county road system or the regional road system is to risk the deterioration of an efficient and excellent service to the province of Ontario.

Mr. Davidson: Where is the efficiency?

Hon. W. Newman: It frankly appals me that the member for Durham West would propose in legislation such a major and far-reaching change without any study or discussion of the effects of such action.

Mr. Warner: Too far ahead of you.

Hon. W. Newman: Such cavalier behaviour is precisely what this government has tried to avoid.

The bill's sponsors, regardless of how bad the legislation is, have proposed major changes to our system of local government with only a passing glance at local consultation. This government will not support legislation generated like this. If the regional system is not perfect—and I admit that it is not—

Mr. Warner: Then make changes in it.

Hon. W. Newman: —we are open to suggestions from the municipal representatives who are elected to be responsible for municipal matters.

Mr. Warner: They will say resign. They will tell you to resign.

Hon. W. Newman: If the electors in Durham have a message for their councillors, they may deliver that message this December; and they, in turn, will make those views known to us.

In closing, I would like to say this: The process may not be perfect, but it is representative of democracy, and I for one prefer this to the ad hoc approach taken by the member for Durham West. It just kind of appals me. I am not saying the regional system is perfect—nor is my friend—but I will tell him this: It is up to the elected representatives and the regional and local councillors to bring forth their suggestions and recommendations to the province. If they want change in the regional system, then this province is prepared to look at it—

Mr. Davidson: Dismantle the whole thing.

Hon. W. Newman: —not by an ad hoc committee set up to travel around and do a little political proliferation in those areas out there. Let's hear from those people who are elected out there. And when they are re-elected in December, let's hear from them if they want change. Let's stop this nonsense—

Mr. Davidson: If they are re-elected.

Hon. W. Newman: —because I say this: If there are changes needed, changes will be made.

[5:15]

Mr. Good: Mr. Speaker, the bill before us today would bring in, if passed, a good many changes in the regional government structure

in the regional municipality of Durham. It is interesting to note that when the bill went through this House in 1973, I believe the member who just spoke, spoke to it at that time, and there were certain things about the bill which he did not agree with. The member for Oshawa—who was a Conservative member at the time, Dr. McIlveen—certainly found many things in the bill with which he did not agree. To the best of my knowledge, the proposals went through basically as they were.

I think at the time many people felt that the original concept—that is the plan that was brought in by the former Treasurer of the day, Charlie MacNaughton—met the requirements and had a great deal of acceptance by the people in the south end of the riding. That particular first proposal, as I remember, left out the north part of the county, which would not have been included. As it was, in this bill when it was originally passed the regional municipality of Durham did not form a region along county boundaries.

It is the only one to my knowledge that violated county boundaries. It threw certain townships in Victoria, I believe, and others into Simcoe. Consequently, there is some validity, I believe, in taking another look at the relationship of the northern townships in the region to the southern more-industrialized area. It is certainly something that should not be done unilaterally; it would have to be at the initiation and with the approval of the townships involved. I know in my own area, two of the rural townships of the region are doing studies on their own to find out why they feel the financial burdens are so much greater since they have become part of the region.

Any bill that would bend or warp or reshape McKeough's cookie cutter, or break the straitjacket which McKeough and White threw this province into, I would say deserves some support. This has been one of the major problems with regional governments across this province. The cookie cutter was bent and moulded by McKeough and the regions were stamped out. The same mould or die was used when the restructured counties of Oxford, Muskoka, and all the rest of them were created.

Consequently, I feel the government has been remiss in not reviewing the legislation individually across the province. We see amendments going through and they usually apply to all bills. I think the time is long past when we can expect these regional governments to run one after another, cut out

of the same mould. I think there are differences in areas across the province and these must be recognized.

There are sections in the bill with which I have a great deal of concern. First of all, the fact that the new regional council should be composed of 38 members—14 from Oshawa and six from each of the other four, plus a regional chairman which would make 39. In my view, our regional government of 25 in Waterloo is too big. I think it's cumbersome. I think a group of 39 would be much too large. The representation on that council, as proposed in this bill, would give six, for instance, to Newcastle, six to Pickering, six to Ajax and six to Whitby.

The figures at the time showed a great deal of difference in the population of the various parts of the region and I think this proposal, while being overly large and cumbersome does not give the representation by population that might be expected, even bearing in mind the fact that the city of Oshawa, being the largest city, would have to discount its membership to some extent.

Certainly I have no hesitation in supporting the idea that the regional chairman should be elected at large. This is something this party has talked about as long as the idea of regional government has been discussed in this House.

It may come as a shock to members opposite in the government that the regional chairman of Waterloo, Jack Young, who was appointed by this government, told me as recently as last week that he would have no objection to regional chairmen being elected at large, provided that certain objections could be overcome as to how regional chairmen would be nominated and how they would run their campaign. I would think the greatest objection, of course, is the size of the constituency which in our case would be about a quarter of a million people, 240,000—it's probably the same as Durham—and I don't think that that is any more impossible to achieve than, for instance, the mayor of some of the boroughs in Metropolitan Toronto and the mayor of the city of Toronto himself being elected as members at large.

Our regional chairman this year will be elected by council. The present incumbent has made it known that he is ready to serve another two years, and as of now I have not heard of anyone else who intends to seek the position.

Electing a regional chairman at large I think would certainly increase his accessibility and the stature of the position, in that he is

elected by the people and not considered to be a political appointment from Queen's Park to sort of run the region in the manner as dictated by Queen's Park, because that's precisely the cloud under which a regional chairperson has to operate with the way it has been set up here.

The matter of transferring many of the powers from the region to the area municipality, I think in a great many instances has a lot of validity. One of the major concerns and the greatest upheavals in our region was in the region taking over the water system. It was not until after the bill had passed that some of the regions who had no debenture debt on their water systems suddenly found that they were going to help pay for huge debts and debentures of other area governments.

This is in the bill; I tried to tell people this is the way it would be, and they said, "Oh, no, we'll just have to assume each other's burdens for the future, not for the past." Well, the bill isn't like that and that's the way it is. One of the single biggest problems in most of the regional governments is that people are going in on an unequal basis. Those municipalities that had fortunately paid off their debentures in the past, had a very efficient operation, are now saddled with other debts.

This disadvantage, of course, would be eliminated to a great extent if items which can conveniently be turned back to the area government be turned back. I see no reason why this can't apply to the distribution of water and the obtaining of the water; there are mutual agreements among the municipalities as to the sharing of the water supplies and that can certainly be worked out. But water is something that I think no one has benefit from by its being at the regional level.

We had absolutely no water restrictions in the city of Waterloo until the region took it over. What did they do? They raised our rates and put on restrictions that you can water your lawn twice a week—always when I'm never home, so I've got the dirtiest, brownest, dried-out grass that I've ever had in the years that I've lived in Waterloo, simply because that has happened.

Mr. Breaugh: They say it's kind of a Tory problem.

Mr. Nixon: A Tory problem?

Mr. Good: So I would say the collection of garbage and the disposal of garbage, I think, can also be done on an area govern-

ment basis, if there is co-operation among the area governments for procuring their landfill sites. And maybe it would be—not maybe, it certainly has to be—a very great deterrent to this idea of continuing the use of landfill sites is the fact that they are becoming so much more difficult to get. We've got to look at other means for disposing of our garbage. We have to look at the conservation of wrappings and the garbage of which we are disposing, and I think that can be done.

I'd just like to point out a few things which I do not agree with—

Mr. Speaker: Order, please. The hon. member's time is up. It was agreed as 10 minutes, I believe.

Mr. Good: I'm sorry. There are two more things. I feel that a region is in a better position than the area government to issue debentures. I think they can get a better rate and, for that particular thing, I would have some qualms in accepting that particular part of this bill.

Mr. Moffatt: Before I begin, I'd just like to place on the desk of the Treasurer (Mr. McKeough) 1,200 signatures to a letter, which I did not solicit, all of which object to the present method of government in the town of Newcastle, part of the area municipality of the region of Durham.

I did not put a copy on the desk of the member for Durham-York (Mr. W. Newman) because I feel he won't read it. He's no longer in the House or I would have given him one copy.

I'm surprised at the remarks from the member for Durham-York because what we attempted to do in putting forth this bill, as he full well knows, was not to rewrite the Act or to change the thing in substance because we know the limitations upon a private member. What we are attempting to do with this bill—and I think the member for Waterloo North (Mr. Good) has hit upon it as well—is trying to bring the attention of the government to focus on a problem which, if they do not pay attention to it, means there won't be any Tories over there next time. I don't know what will happen then because these two groups on this side won't be able to decide whether all 125 seats should be in the NDP or just a few of them. We're really of some doubt as to what should happen.

Mr. McCague: I wouldn't worry about that.

Mr. Moffatt: The present regime in this province has foisted upon the people of the

region of Durham a method of government which cannot work because of the way it structured the Act. The regional councillors and elected people are attempting to make the thing work. They're being blamed by the present government and by the citizens as being spendthrifts who cause all of these problems. Yet, in fact, what has happened is that every one of those things they have had to do, they have had to do as a result of legislation in the original Regional Municipality of Durham Act. They were forced by the Act to have a regional water rate.

I listen to the present mayor of the town of Whitby talking about the great benefits of regional government but Whitby, when it had as mayor Des Newman, who was the Liberal candidate in the last election, overspent for the provision of sewer and water to the extent where the town now has 34 per cent of the region's debt, but under the present bill they have to pay just 10 per cent of the region's taxes for that particular service. They pay 10 per cent of the levy for 34 per cent of the debt. That's not a bad deal as far as that particular municipality is concerned, but what does it do to the other areas where they don't have that kind of debt?

This has been alluded to by the member for Waterloo North. Great debentures are now out and falling upon people who have no benefit from the money which was budgeted to be spent on their behalf. They don't see any of it; they don't have any effect of it; all they do is get higher and higher tax bills.

What we've attempted to do in our bill is to respond to the feelings of the people in that area. The Minister of Agriculture and Food (Mr. W. Newman) can get up and say three or four times in the course of 10 minutes that he knows regional government is not perfect and his government will change it. I submit that under the present legislation, unless some of the measures we propose in this bill are put forward, there is no way in which it will be changed because they haven't listened to anybody out there for the last three years. Sure, one can talk about a \$1.2 million loan that can be arranged. Do you know how that's arranged? The appointed regional chairman comes in with the Minister of Agriculture and Food and they go to the Minister of Housing (Mr. Rhodes) and somehow from the Minister of Housing they get \$1.2 million to do industrial development in the region of Durham.

I ask you, Mr. Speaker, if that makes sense, there are a lot of things in this province that could be done, because that makes no more sense than to have the Minister of Industry and Tourism (Mr. Bennett) putting up loans for mobile homes in my riding. I just don't understand what is going on. They won't listen to the elected people. There are three members from this party from the region of Durham and one from the government party, and the reason for that is regional government and the way in which it was implemented.

The people there and the people in this party will support the idea of expanded representation, but we will not support the idea of foisting upon innocent people a kind of legislation under which they'll have to suffer but have no control. That's what's wrong with regional government now. Our bill attempts to put back to the local municipalities those things which we and the people there think the local municipalities can indeed have control over, pay for, and run in an effective manner.

[5:30]

It makes no sense at all to me to see a regional road system and a municipal road system when the city of Oshawa, up until The Regional Municipality of Durham Act, had proposed effective street programmes. There was no need for anybody from the county to come in and clean the snow off the streets in the city of Oshawa or to do repairs on their streets. They had an effective system. What do we have now? The city of Oshawa has a system and the region of Durham picks up some of the cost, because it sends trucks in to do work on those regional roads in the city of Oshawa.

That makes no sense at all. That's, at the most, duplication. We've got a staff of people who plan those things. If you put people aside and say, "Here, you're a staff to plan regional roads," do you know what they'll do? They'll plan roads even though the need may not be there. They'll plan them, and then someday somebody will say, "Well, we've got the plan, we'd better implement it." That's what happens in this sort of thing. It becomes a self-fulfilling prophecy.

What I'm particularly concerned about is the sort of thing that happens in our region where, because of the Act, the region is forced to make plans to put forward programmes. They've got to have a regional works department, a regional roads department; each municipality has to have the same thing. With regional planning and mu-

nicipal planning, everybody then has to run to the region to get the thing done over again anyway. What happens is that they start out by saying, "The Act says we must do these things," and they plan how they best may do them. Then they go to the people and raise the money to do those things they've planned. What's happened in that area is that taxes have gone up and up and up to the point where people cannot afford them.

What they should have done, and the Act doesn't allow this now, is let those people know what amount of money they're going to be able to pay. The region should know how much money will be raised in one year, and that is the amount that their budget has to reflect. There can be no more of this business of running around and saying, "These are the things which the Act requires us to do. We want to get a road subsidy from the Minister of Transportation. We have to spend so many billion dollars."

If that kind of budgeting goes on, the people in that area are going to stage more than the kind of bill that the member for Durham West has proposed. There's going to be a tax revolution in that riding. That whole area is a time bomb, and if you people across there aren't prepared to listen to the elected representatives in the House, the people who sit on those regional and local councils and the people from that area who are ordinary citizens who've been writing you letters, then I don't know what you're going to do. You've created a monster and it's going to devour you. I urge all members to support the bill before you.

Mr. Williams: Mr. Speaker, it's been interesting to hear the basis on which this bill has been presented to the House for consideration this afternoon. I listened carefully to the member for Durham West when he introduced the bill, and he was quick to suggest that he wanted to bring sanity back to the region by reshaping and reworking the existing legislation—

Mr. Moffatt: A little more than that; that sums it up.

Mr. Williams: —because he felt that the bill had been introduced on the basis of "let's see how it goes," to quote the member. Then the member went on at some length to point out that in fact there's a great groundswell rising in that area, based on four meetings that were held at the beginning of the year on January 13, 20 and 27—I guess the member had a bit of free time that month, because they had a lot of meetings—and they

had one on February 3. Because of those four meetings he could see that the whole shape of the Durham region had to be changed. We now have some evidence that a brief or petition has been signed by some 1,200 people, which I think is impressive indeed, indicating some form of dissatisfaction.

Mr. Godfrey: Thank you.

Mr. Moffatt: Public money.

Mr. Williams: But having had that information put before us, obviously to persuade the House that in fact there's going to be a palace revolution down in Durham, I think goes against the facts that have not really been clearly brought out here today. Let's just look back for a moment or two at the history of how in fact The Regional Municipality of Durham Act came to pass.

The hon. minister did mention earlier in his remarks that in fact extensive studies in the area had been undertaken long before the bill was enacted. I think in 1969, the Oshawa and Area Planning and Development Study was undertaken and went on for a period of about three years. During that period of time there were no fewer than about 15 component areas of consideration in urban planning that were considered at great length, with a great deal of public input—

Mr. Moffatt: And public money.

Mr. Williams: —to consider all dimensions of the region—geographical, transportation—every facet that has been touched upon here today was dealt with at considerable length. As the hon. minister has mentioned, after that study had been ongoing until May, 1971, the report was submitted; from that, the government put together several alternative proposals for the people in the area to consider through 1972. I would say that what led up to that initial proposal were representations involving in excess of 100 briefs—and not briefs arising out of four meetings that were held in the area.

Mr. Moffatt: You don't know anything about this.

Mr. Williams: Following that review by the government, with their proposals being put forward—by comparison to the four meetings we've heard about which apparently are shaping a new era out in Durham—I understand there were in excess of about 600 meetings that were held through 1973 in the area as a prelude to the enactment of The Regional Municipality of Durham Act. Of

those 600-odd meetings, at least 150 of them were attended by representatives from the ministry at that time to ensure that they were fully representative of the views of the people in that area.

Mr. Godfrey: That's 10 meetings a week!

Mr. Warner: How many were public?

Mr. Moffatt: Ours were all public.

Mr. Williams: I think that the proposer of the bill will concede that, in fact, it was the population in the area that is now Brock that had demanded so strongly that they be included in the region of Durham. One evening, I believe, up in the town of Beaverton, not fewer than 1,000 people in that area turned out to state vociferously to the elected representatives that they must be included in the region of Durham.

Mr. Moffatt: As opposed to what?

Mr. Williams: So these contrasts between the samplings—and they can be nothing more than samplings that have been taken by our friend—which he suggests justify this bill, in contrast to the extensive studies that went on over a three-year period with much greater involvement, at a cost in excess of \$1 million to conduct those hearings and the studies—

Mr. Moffatt: What a waste, what a waste.

Mr. Williams: —that I think, perhaps suggests, there is a degree of emphasis being given to the member for Durham West's comments that is not justified. In any event, even if there was any merit to the suggestion that the three areas secede from the area, certainly the suggestion that it be done by way of referendum, I suggest, is unrealistic and inappropriate.

Mr. Moffatt: You don't believe in those, do you?

Mr. Conway: Take it easy on the referendums.

Mr. Williams: If any changes are to be made, I think it only appropriate that it be done in the normal fashion of either taking it before the minister or taking it to an impartial body such as the Ontario Municipal Board, which is so often done in changing and reshaping the boundaries of regions and areas—and certainly not by referendums, which at best are conducted on the basis of emotion and not fact.

Mr. Swart: What's wrong with emotion?

Mr. Williams: One of the other very interesting considerations that I find appalling is the casual suggestion that the chairman of the region should gain his seat by election.

Mr. Warner: That really goes against your grain.

Mr. Williams: I find that this has been proposed in the Metropolitan Toronto area, which comprises 240 square miles and which also seems somewhat unrealistic, and here we are talking about an area 10 times the area—of about 2,400 square miles.

Mr. Warner: Two and a half million people.

Mr. Moffatt: Lake Nipigon riding is bigger than that.

Mr. Speaker: Order, please.

Mr. Williams: We now have a proposal that people should go out and run for election across an area of that size. It's further suggested that anyone at large would have the financial capacity and ability to realistically go out and persuade the voters of that vast region to be knowledgeable about the region as a whole, whereas the colleagues who would appoint the person would be far better informed—

Mr. Conway: Better Tories anyway.

Mr. Williams: —on who would be the best spokesman and chairman of the board. In fact, it's interesting that in the seat of democracy, in England, we find that all of the county councils appoint their chairmen. They don't elect them. In fact, half of the county councils are appointed. They are not elected. That system seems to work very well. In fact, I haven't heard any complaints coming from that part of the world in recent times.

So it appears that these basic proposals which have been suggested are not really to restructure or rewrite the Act or change it in substance. In fact, they will materially change the substance of the Act. The whole purpose of regional government is to provide equity across the system and to provide basic regional needs. This is proven so well in the Metropolitan Toronto area where the smaller municipalities did not have the financial capability nor the resource nor tax structure to provide the tax dollars necessary to provide the basic facilities.

The building of massive waterworks or waste disposal units—whether they be incinerators or land disposal undertakings or whatever—are matters of considerable financial substance and normally cannot be sustained by smaller municipalities who do not have

the financial capability. So even though they suggest that the smaller municipalities would be best equipped to handle these things, I think in reality we all understand from the Metropolitan Toronto experience—

Mr. Moffatt: Paternalism is always much more comfortable.

Mr. Williams: —and the experience of other jurisdictions it would be ludicrous to suggest that these large regional capital undertakings could be financed by the local municipalities.

Indeed there is a great number of inconsistencies in the statements that have been made here this afternoon by the proposers of the bill. They certainly fly in the face of the experience that was gained prior to the enactment of the Durham legislation specifically.

Mr. Warner: In the face of autocratic—

Mr. Williams: At that time it was created largely as a result of a great deal of public input to demonstrate that this was the way in which it should be done. This is the way the people wanted the legislation at that time. There's nothing that's come forward that really has substantially changed that situation. I would therefore have to vote against the bill. At best it is premature at this time and, in fact, unrealistic.

Mr. Warner: You can't be serious.

Mr. Stong: Mr. Speaker, I rise in support of the principle of this bill, insofar as it relates to duplication of services and the establishment of local autonomy. But I find discussion of the bill from members of the government side of the House consistent with their attitude of creating a bureaucratic monster in the name of regional government, with its imposition on people to the eventual elimination of the municipal council.

Mr. Conway: Shame.

Mr. Stong: On the other hand I find the approach of my friends in the NDP to this bill and their attitude toward regional government consistent with their attitude of sucking and blowing at the same time.

Mr. Haggerty: That is typical of them.

Mr. Stong: They propose in this bill the preservation of local autonomy. But when we discussed Bill 55 in this House, and I proposed a recommendation that would protect local autonomy, to a man they voted against that very amendment. Here in this bill they are advocating a return to local autonomy.

Mr. Grande: Because you didn't understand the bill.

Mr. Nixon: It was very clear and you voted against it.

Mr. Grande: You didn't understand the bill.

Mr. Nixon: Flip flop. You have got more positions than—

Mr. Moffatt: Masters and Johnson.

Mr. Stong: Mr. Speaker, as far as Bill 95 is concerned, and its application in the regional municipality of Durham, many of the aspects of this bill can apply to any other regional municipality. I find the suggestion in the bill that the areas of Uxbridge and Brock be eliminated at this stage to be almost impractical. Regional government, despite the fact it was forced on the people, is there. To eliminate it, as the minister says, without consulting with the people at this stage would be to reiterate the exact way in which the bill was imposed.

The minister referred to the fact that there is a lack of dissatisfaction. He says "go to the people." Not less than two weeks ago the council of Mississauga voted unanimously to look into the matter of the costs of eliminating regional government from that area.

In my respectful submission, the minister doesn't have to go too far to find general dissatisfaction with (a) the way regional government was imposed and (b) its operation at present.

[5:45]

Mr. Good referred to several matters in this bill and I would agree with him. At this stage we must have representation by population and insofar as Bill 95 excludes representation by population, setting a fixed number of representatives on the regional council, I find that to be impractical and an error in principle.

As well, reference has been made to the fact that the regional chairman ought to be elected. In principle, Mr. Speaker, I find that to be acceptable and it ought to be employed. As was referred to by a previous speaker, the fact now that the regional chairman is appointed seems to smack of patriotism and at all costs that must be avoided.

Mr. Moffatt: Patronage. You've got to be careful of words there.

Mr. Stong: In this case we must have the regional chairman elected. Likewise, Mr. Speaker, insofar as this bill transfers to the

area municipalities the function that ought to be designated to them—for instance, control over roads, control over water—that is good in principle and I have no difficulty supporting that at all in this bill.

Insofar as this bill refers to adopting an official plan and eliminating the need for ministerial approval, in my respectful submission that is an error in principle. We ought to have a provincial plan and not just have regions or municipalities acting in a vacuum so that the elimination of ministerial approval in this particular bill in my respectful submission is not acceptable and it ought to be left in.

The setting up of a regional board of health is in principle a good facet of this bill; the health council. As well, police and fire protection ought to be included where regional municipalities have already been established, but insofar as they have been established they must not be holus-bolus broken down or eliminated but be made to work—work in a confined and constrained area and health being one of those areas.

Allusion has been made to the fact that regional municipalities and regional municipal councils are better equipped to finance areas. Perhaps that is a legitimate expression in this bill as well that the region should be allowed to finance the municipalities, because by and large in that area the best financing could be obtained as opposed to local municipalities trying to arrange their own financing. That is an area in which regional councils can play a vital role.

Mr. Speaker, I understand that I was allotted five minutes to speak to this bill and those are the areas of concern that I would express in speaking to Bill 95.

Mr. Breaugh: I have waited for some time to have the opportunity to debate this particular bill in the House because it is very important to me. I am one of those people who worked on that regional council for two years. I was there from the beginning when the proposals were made and attempted, to the best of my ability, with the other members of that council, to make the proposed region of Durham work, to take the legislation that had been put down in Bill 162 and to make the thing function properly. I am quite prepared to say now that that can't be done.

Let me take you back to that glorious night, December 18 it was, in 1972, when every politician in the area was invited to go to Eastdale Collegiate in Oshawa and hear the word from on high. And it was well

done. There was a little showbiz involved. A PR firm came down to put up one slide of the proposed region. The Treasurer was there. His parliamentary assistant was there. And so were a lot of other people, including the people from Cobourg, screaming in the balcony that they wanted out before it even started and that, of course, led to some further consultations about things.

Mr. Moffatt: Hear that, Mr. Speaker?

Mr. Breagh: I remember them walking out, slamming the door, accosting the Treasurer in the hall, yelling and screaming and beginning a very effective campaign to get out of the thing. They had some foresight that perhaps the rest of us didn't have.

A number of people have made mention of the fact that how bad it would be if we took out those three northern townships. Well, on that night in December of 1972 it took the Treasurer, Charles MacNaughton, about a paragraph and a half to get right to it. He said: "Tonight the Ontario government invites you to join us in developing a strong and responsive system of local government for the area along the shore of Lake Ontario." As a matter of fact, what he said was exactly what was recommended in the OAPAD study, that million dollar report that the government did and then threw away.

A little later, about a paragraph later, he said: "I want to assure you that everyone will have ample opportunity to discuss his views before the legislation is drafted." Well, that never happened. Closed meetings with closed minds from TEIGA are not consultation. And that is precisely all we had. On the same evening it took the then parliamentary assistant, the present member for Carleton-Grenville (Mr. Irvine), about another paragraph to get into this bit about who should belong to the region of Durham and what would be a viable region. He said that in Ontario county it had been convincingly argued that the rural part of the county had little in common with the urban south and should not be included with it.

Mr. Good: Who said that?

Mr. Breagh: That happened to be the parliamentary assistant. All those who talk about great referendums and planning studies should be reminded of what the then Treasurer and his assistant said that night, after three years, and a million dollars worth of OAPAD study and the public hearings to boot. The member for Oriole mentioned those public hearings. I think it is also important that the government not only hold

the hearings, but that it listen to what is said. When the government spends \$1 million on planning, at least it should pay some heed to what they came up with at the end of that time. It wasn't just a plan created by seven or eight little Toronto planners. It was a plan put together by the people of the area. The problem is that it was almost totally ignored.

The principle of regional government is a good one and substantially a sound thing. I don't think you will find many people in the area arguing about that principle. What they are addressing themselves to are the practical problems that have come up after three years of regional government in that area. Somebody else said: "Well, you had four meetings, great." Surely that is being about as ignorant of the situation as one can get. There are three members in this caucus who work daily with people on that council and people who live in that region. That is where this information came from. One can read the papers any day of the week anywhere in that region and find this kind of information and this kind of viewpoint put forth. One can talk to those politicians and can go now and talk to the committee of the regional council—they have to redraft Bill 162. They are doing it as well. One can go this Wednesday and see one of the main elements that we are proposing in here debated at the regional council on a motion from the city of Oshawa to return water and sewer functions to the city, to the local municipalities.

There are some very basic problems in that region of Durham, not the least of which is making it a viable community. All of the studying that was done, all of the initial recommendations that were made suggested a lakeshore community—all of them without exception. In the final throes of a little political upheaval, the government abandoned that position, and no one particularly knows the reason. I was there at the time. I certainly didn't hear any thundering calls from the north coming in saying they wanted to join. I sat through two years of council meetings listening to those people telling me why they didn't have much in common with the southern lakeshore community, the one they recognized, because it is there.

There are some practical problems. That cohesion one needs, that possible path one has to have in front of one before one can ever succeed at anything isn't there in the region of Durham. There are clearly some areas where some changes have to be made, and that is precisely what we are proposing here. One of the basic problems in that legis-

lation is that it was set up to make duplication all along the line. That duplication is not only costly, it is damned inefficient. There is no responsiveness back and forth. Someone made mention of this matter of whether we have local councils and regional councils. We are saying no, everybody who is elected there goes and sits on the regional council. One should talk to those local councillors in the area who want to know what is going on at the region and don't sit on that council. They think it is important that they understand and play a role in the deliberations of the region of Durham, and I think so too. Frankly, that is why it is in this bill.

The government can't say it has planning locally and planning regionally and ignore the idea that it has built-in duplication in costs there. There are.

In essence what we have said in this bill is let us take the functions, let us take those that are obviously more beneficially done at the region, such as planning, and put it there. Let's take out all the red tape on the thing. There will be an appeal to the cabinet if somebody is unhappy. There will be an OMB hearing in the area if somebody is unhappy. But let's make that essential planning function a regional one. All of the studies, the million-dollar OAPAD study said that.

We also have said, "Let's take the nuts and bolts of the thing and put them back in to the local municipality." That is precisely a major problem. People don't know who to call to plough their road. They don't know essentially where to turn if there is a small servicing problem in the area. They used to know when it was carried on by the local municipality. They don't know now.

That's costly, that's inefficient, it's out front where the people see it, and is a source of constant political aggravation in the area—something you ought to recognize as being a simple fact is that if they did those things well, they could continue to do them well, and that's another area where you ought to take the duplication out of that service and essentially have it run by the local municipality, let them go ahead and do it. In fact, in a number of other regions what has happened is that although the Act says the region shall perform that public works function, the regional council says in effect that that's nuts and simply contracts it back to the local municipality. If you want an example of that, you go into Oshawa and watch them clean the streets. It's essentially what's going on there.

Those are simply factual matters taking that duplication out; deciding what service

would be performed by which level of government. Frankly all we are all doing in this proposed bill is simply recognizing the study and the consensus that's there among the people—and it is there, and you would have to be blind not to see it.

Let me move to this area about the regional chairman. Much has been made of "What else would you do with old Tories if you didn't recycle them as regional chairmen?" Now maybe that's a little unfair and a little harsh, but how impractical is it to have democracy at work for the most important job in the region of Durham?

You say it's a big area. There are members in this House who have areas twice as much in size. In this viable community that we are proposing as a revised region of Durham it's a very practical matter to have him do that. That isn't a difficult task at all.

The matter of local councillors is important. It may not seem like a big deal, but it is important that all the elected people in that area understand the process, but more than that, play a role in that process and they are unable to do so now.

One of the things we found out in the region of Durham is that theories don't always work. The prevalent theory at the beginning of the regional setup was financing, as an example. It has been mentioned a couple of times: "That would be a good thing for the regions to do. There are more people there; you would be able to get better investment, better rates on your debt." Frankly, that theory sounds pretty good but it hasn't worked in Durham. The practical factors are simply not there. In fact the city of Oshawa was able to borrow money on better terms, under better circumstances, before the region came in, and had a very fine finance department that handled things very well, thank you.

If you walk around the region of Durham and you are trying to make the case that the financing of the region of Durham is much better now than it was before, people will hit you over the head with their tax bills, or their water and sewer bills, and tell you where to go in short order.

So that part of the financing thing—that there would be economies of scale—never materialized; it never happened. That there would be fewer people working never really occurred at any time during the three years that that region has been in. In fact what has happened so far is a Band-Aid approach. Every year the region sets its budget; every

year the Treasurer finds another little goodie to drop on them.

I sat through an amazing council meeting one day where they tried to convince the regional council—and I think there were three ministers there at that time—that something like a \$7 million loan would be a good thing. I never thought at any particular time that a \$7 million debt for the region of Durham was a particular good idea. I don't like \$7 million debts. Even if they are interest-free loans, you still owe the money.

Much has been said of this water and sewer rate increases—and particularly in an industrial area. And we had some questions in the House the other day about how badly Durham needs new industrial growth. But it is pretty hard to convince a new industry that they ought to take it on the chin—1,500 per cent for a water increase. That makes it pretty tough to convince people it's a good place to come—but it's precisely what has happened.

I want to remind the government too that they love it so much, this is the region that threatened to take it to court over its York-Durham sewer agreement. So there are some real problems there.

In summary I want to say very quickly it is important that the government pay heed to this bill. If it didn't last December 18, let it do it December 6; do it now. It is a bill that's not without its faults, I suppose, as any piece of human legislation is. But essentially it reflects the mood of the people there and accentuates some very real problems that were contained in that original bill.

Mr. Speaker: This order is discharged from the order paper.

Mr. Godfrey: Point of order, Mr. Speaker. The hour is not expended. I call for third reading.

Hon. Mr. Parrott: My watch says 6 o'clock, Mr. Speaker.

Mr. Speaker: I think it's 6 o'clock.

Mr. Godfrey: Mr. Speaker, I do not wish to contradict you, sir, but looking at the clock over here, it is not yet 6 o'clock and this calls for third reading, there being no further speakers to this bill.

Mr. Speaker: Order, please. By agreement over a number of years and by precedent established over a number of years, the motion for second reading does not come to a vote either, so I declare any such motion out of order. I declare it 6 of the clock at the present time.

Mr. Godfrey: On a point of order, Mr. Speaker. Recognizing well the traditions of this House, which were enjoyed during a massive majority on the other side of the House, I suggest it's time for some new wind in this type of ruling and I protest that ruling.

Hon. Mr. Parrott: There is lots of wind over there, that's for sure. They're not suffering from lack of wind.

Mr. Speaker: Order, please. I believe this point is being considered by a special committee; I think that is the place to change the rules of the House and not here in the House by an ad hoc action.

Mr. Godfrey: Mr. Speaker, this is where democracy lives, right here.

Mr. Speaker: This was agreed by all members of the House a number of years ago—before the hon. member was present in the House, I must admit—and it has been established firmly by precedent that the second reading does not come to a vote.

Mr. Haggerty: It is under review now.

Mr. Speaker: As I mentioned a moment ago, and as substantiated by one of the hon. members, this particular procedure is under study, so I've been led to believe, and we'll await their decision and recommendation and the democratic decision of the House at that time.

Hon. Mr. Brunelle: Mr. Speaker, before moving the adjournment of the House, I would like to remind members that tomorrow we'll continue with second reading of Bill 139 and, after its completion, order number 13, Bill 140.

On motion by Hon. Mr. Brunelle, the House adjourned at 6:02 p.m.

APPENDIX

(See page 4642)

Answer to a question was tabled as follows:

142. Mr. Angus—Inquiry of the ministry: Would the Treasurer advise, (a) What has been the total amount of machinery sales for each six-month period following the elimination of sales tax in the spring of 1975; (b) What was the level of sales for each six-month period for the previous two years?

Answer by the Treasurer (Mr. McKeough):

The information requested by the member is not available in the form he requests. That is, semi-annual totals for the value of machinery and equipment sales are not compiled.

Nevertheless, there is available information for machinery and equipment acquisitions on an annual basis which show that, in the mining and manufacturing sectors—to which the exemption was primarily directed—substantial investment growth has occurred.

Investment in these sectors, which form the core of all economic activity in this province, have shown substantial growth since the introduction of the exemption. Indeed, investment in Ontario in these sectors has increased from \$1.76 billion in 1974 to \$2.17 billion in 1975 and \$2.42 billion in 1976, increases of 23.9 per cent and 11.1 per cent respectively. By comparison the investment performance by these sectors in the rest of the country has lagged, with increments of only 5.3 per cent and 6.2 per cent in the corresponding years.

CONTENTS

Monday, November 15, 1976

Hiring of Canadian personnel by universities, statement by Mr. Parrott	4629
Student enrolment in agriculture, statement by Mr. W. Newman	4630
Northern Ontario air services, questions of Mr. Bernier: Mr. Lewis, Mr. Foulds	4630
Reed Paper, questions of Mr. Bernier: Mr. Lewis	4631
Environmental assessment exemptions, questions of Mr. Kerr: Mr. Lewis, Mr. Makarchuk, Mr. Worton	4631
Premier Woodworking, questions of B. Stephenson: Mr. Lewis, Mr. Lupusella, Mr. di Santo	4632
Core curriculum, questions of Mr. Wells: Mr. S. Smith, Mr. Foulds, Mr. Sweeney	4633
Applications to teacher education colleges, questions of Mr. Wells: Mr. S. Smith	4636
Method of accepting applications, questions of Mr. Parrott: Mr. S. Smith	4636
Hydro load management programme, question of Mr. Timbrell: Mr. Drea	4637
Municipal nomination papers, questions of Mr. McKeough: Mr. Ferrier	4637
Solicitor-client communications, questions of Mr. MacBeth: Mr. Roy	4637
Italian courses in school, question of Mr. Wells: Mr. di Santo	4638
Milk quota allocation, questions of Mr. W. Newman: Mr. Gaunt	4638
Extension of OMC tax deadline, questions of Mr. Rhodes: Mr. Burr, Mr. Deans, Mr. Swart	4639
Suspension of Maplehurst guard, questions of Mr. J. R. Smith: Mr. Reed	4639
Protection of OHC tenants, question of Mr. Rhodes: Ms. Bryden	4640
Funds for Windsor centre, question of Mr. Taylor: Mr. B. Newman	4640
Report, Ontario College of Art, Mr. Parrott	4641
Report, standing resources development committee, Mr. McNeil	4641
Foodlands Protection Act, Mr. McCague, first reading	4641
Tabling answer to question 142 on order paper, Mr. Welch	4642
Employees' Health and Safety Act, B. Stephenson, on second reading	4642
Private members' hour on second reading of Regional Municipality of Durham Amend- ment Act, Mr. Godfrey, Mr. W. Newman, Mr. Good, Mr. Moffatt, Mr. Williams, Mr. Stong, Mr. Breaugh	4663
Motion to adjourn, Mr. Brunelle, agreed to	4675
Appendix, answer to question on order paper	4676

SPEAKERS IN THIS ISSUE

Angus, I. (Fort William NDP)
Bernier, Hon. L.; Minister of Natural Resources (Kenora PC)
Bounsall, E. J. (Windsor-Sandwich NDP)
Breauth, M. (Oshawa NDP)
Breithaupt, J. R. (Kitchener L)
Brunelle, Hon. R.; Minister without Portfolio and Chairman of Cabinet (Cochrane North PC)
Bryden, M. (Beaches-Woodbine NDP)
Bullbrook, J. E. (Sarnia L)
Burr, F. A. (Windsor-Riverside NDP)
Cassidy, M. (Ottawa Centre NDP)
Conway, S. (Renfrew North L)
Cunningham, E. (Wentworth North L)
Davidson, M. (Cambridge NDP)
Deans, I. (Wentworth NDP)
di Santo, O. (Downsview NDP)
Drea, F. (Scarborough Centre PC)
Dukszta, J. (Parkdale NDP)
Eakins, J. (Victoria-Haliburton L)
Ferrier, W. (Cochrane South NDP)
Ferris, J. P. (London South L)
Foulds, J. F. (Port Arthur NDP)
Gaunt, M. (Huron-Bruce L)
Gigantes, E. (Carleton East NDP)
Godfrey, C. (Durham West NDP)
Good, E. R. (Waterloo North L)
Grande, A. (Oakwood NDP)
Haggerty, R. (Erie L)
Hodgson, W. (York North PC)
Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
Laughren, F. (Nickel Belt NDP)
Lewis, S.; Leader of the Opposition (Scarborough West NDP)
Lupusella, A. (Dovercourt NDP)
MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General (Humber PC)
MacDonald, D. C. (York South NDP)
Mackenzie, R. (Hamilton East NDP)
Makarchuk, M. (Brantford NDP)
Mancini, R. (Essex South L)
McCague, G. (Dufferin-Simcoe PC)
McClellan, R. (Bellwoods NDP)
McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental Affairs
(Chatham-Kent PC)
Moffatt, D. (Durham East NDP)
Newman, B. (Windsor-Walkerville L)
Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
Nixon, R. F. (Brant-Oxford-Norfolk L)
Parrott, Hon. H. C.; Minister of Colleges and Universities (Oxford PC)
Peterson, D. (London Centre L)
Reed, J. (Halton-Burlington L)
Reid, T. P. (Rainy River L)
Renwick, J. A. (Riverdale NDP)
Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
Rowe, Hon. R. D.; Speaker (Northumberland PC)
Roy, A. J. (Ottawa East L)

Ruston, R. F. (Essex North L)
Samis, G. (Cornwall NDP)
Shore, M. (London North PC)
Singer, V. M. (Wilson Heights L)
Smith, G. E.; Acting Speaker (Simcoe East PC)
Smith, Hon. J. R.; Minister of Correctional Services (Hamilton Mountain PC)
Smith, S. (Hamilton West L)
Stephenson, Hon. B.; Minister of Labour (York Mills PC)
Stokes, J. E.; Deputy Speaker (Lake Nipigon NDP)
Stong, A. (York Centre L)
Swart, M. (Welland-Thorold NDP)
Sweeney, J. (Kitchener-Wilmot L)
Taylor, Hon. J. A.; Minister of Community and Social Services (Prince Edward-Lennox PC)
Timbrell, Hon. D. R.; Minister of Energy (Don Mills PC)
Warner, D. (Scarborough-Ellesmere NDP)
Welch, Hon. R.; Minister of Culture and Recreation (Brock PC)
Wells, Hon. T. L.; Minister of Education (Scarborough North PC)
Williams, J. (Oriole PC)
Worton, H. (Wellington South L)

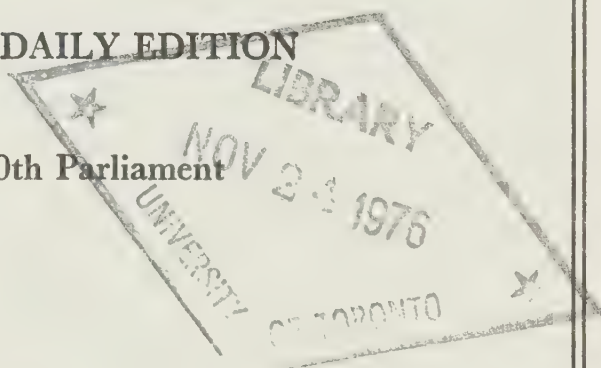


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Third Session of the 30th Parliament



Tuesday, November 16, 1976

Afternoon Session

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

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CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. (Phone 965-2159)

LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 16, 1976

The House met at 2 p.m.

Prayers.

POINT OF PRIVILEGE

Mr. Stokes: Mr. Speaker, on a point of personal privilege, I would like to remind members of the House that an article appeared in the November 8 edition of the Kenora Daily News in which the Minister of Natural Resources (Mr. Bernier) is quoted as having said, "Not once, either in public debate during my estimates which were being heard at the same time or in the Legislature itself, did one member from this area make any statement whatsoever to protect the reputation of northwestern Ontario or explain our need for economic growth."

Mr. Lawlor: Shame.

Mr. Stokes: I hope the minister was misquoted, and that if he doesn't recall what was said by—

Mr. Bain: He was playing politics.

Mr. Speaker: Order, please.

Mr. Stokes:—northern members during the estimates he will go back and read it so that he would refresh his memory and perhaps correct the misstatement in that edition of the News.

Hon. Mr. Bernier: Mr. Speaker, if I may be given the opportunity to reply to the hon. member's accusations—

Mr. Renwick: Withdraw.

Hon. Mr. Bernier: If memory serves me correctly I really can't recall the member for Lake Nipigon (Mr. Stokes) standing up and defending northern Ontario—

Mr. Warner: The best thing you can do is resign.

Mr. Speaker: Order, please.

Hon. Mr. Bernier:—like the rest of us on this side of the House but I will take it upon myself to review the comments he made in

Hansard and if I'm wrong, I'll correct the statement.

Mr. Lewis: That's not good enough.

An hon. member: You're wrong.

Mr. Laughren: Nobody needs you.

Mr. Speaker: Order.

Statements by the ministry.

QUEBEC ELECTION

Hon. Mr. Davis: Mr. Speaker, this is a very short statement which relates to the results of the Quebec election. The choice made yesterday by the people of Quebec is today the subject of much speculation and discussion across Canada. This is understandable but I hope that Canadians, and particularly Ontarians, will consider these results in a moderate, common-sense perspective.

Let us remember, first of all, that the Quebec election was fought on a wide range of issues. Quebecers reacted like the voters in any other province. They voted for what they perceived to be their economic and social well-being and for a government that they believe will best ensure this result.

I do not think the results of the election should be regarded in any way as a statement by the people of Quebec on separatism. The polls taken on this issue last week, the same polls that so accurately indicated the election outcome, were quite unequivocal. I believe the great majority of Quebecers are opposed to the separation of Quebec from Canada.

I would like to table a copy of a telegram that I sent today to the Premier-elect of Quebec, Mr. René Lévesque, congratulating him on his victory, noting the close historical relationship between Ontario and Quebec, and looking forward to working with him, as I do with all my fellow Premiers, in considering and resolving the various problems facing Canada and the provinces.

Clearly the election of a Parti Québécois government in our neighbouring province adds a new dimension to our intergovernmental relations. I believe it is the obligation of all Canadians in these circumstances to

act in a moderate, mature way, which is the special characteristic of this country. I know Ontarians will feel a particular responsibility in this regard.

As a Canadian and as an Ontarian, I am determined to continue seeking that balance in our federation that will permit us to enjoy the dual advantages of our national unity and our provincial diversities. I am sure I can count on the support and co-operation of all members of the House in this endeavour.

Mr. Speaker: Oral questions.

FIRST MINISTERS' CONFERENCE

Mr. Lewis: Mr. Speaker, to the Premier in response to his statement. In the interests of stilling some of the irrational voices of doom about the consequences of yesterday's election and in the interests of sharing publicly our determination to keep Canada unified with Quebec as an indispensable part, will the Premier first share with the members of the Legislature in advance what Ontario proposes for the agenda of this now terribly important federal-provincial conference in December? Second, will he insist that the discussions at that conference on no account be held in private, as he and his colleagues go about refashioning a sense of confederation?

Hon. Mr. Davis: I would like to point out to the Leader of the Opposition that probably the prime area of discussion was to have been and may still be the question of constitutional reform. I can't predict for him accurately whether the first minister of this country will still have that as part of the agenda discussions, with the recognition that the Premier-elect of Quebec, who will then be the Premier of Quebec, may not have had sufficient opportunity to assess carefully what his or his government's position may be. I cannot predict accurately for the Leader of the Opposition whether that item will be the main agenda item which I believe it would have been 48 hours ago.

I would point out to the Leader of the Opposition that we have really made available to the public the basic position of this province as it relates to our views on constitutional reform. I'm sure he has read these carefully and would have been prepared to debate them and would be prepared if we still have a debate, which I believe we should, in this House on the assumption that that still is, shall we say, one of the main aspects of the first ministers' meeting.

Mr. Lewis: I assume we will, of course.

Hon. Mr. Davis: I have had no communication yet, and I think it's understandable, from the Prime Minister of the country as to any suggested change in the agenda or what may take place as a result of yesterday's election in the province of Quebec. I can assure the Leader of the Opposition that I will be quite prepared to share this when the information becomes available.

Certainly, if the constitution remains as one of the prime areas for discussion—which was originally, I think, the intent of the first ministers' meeting—that documentation is here ready for discussion. I just add not a word of caution but the possibility, I would think, that this may or may not be discussed in December because the new Premier of Quebec may want the opportunity to assess what position he may take, I don't know; I'm only guessing at that.

Mr. Lewis: A further supplementary: Can I come back to the second point—in the interests of good faith and sharing in public terms can the Premier of Ontario ask that the conference deliberations be held in public rather than the practice on the last occasion?

Hon. Mr. Davis: I think it is on the record but if it isn't the Premier of this province, certainly in the last three years if my recollection is correct, has been one of those who, when asked by the first minister of this country whether he preferred the meetings to be open or closed, had no reluctance in saying he was prepared to have them open.

Mr. S. Smith: A supplementary: In view of the importance of the forthcoming meeting, if it were to be held on the constitutional matter, would the Premier undertake to make efforts to include some representation from the opposition parties as part of the Ontario delegation to this particular conference, be it open or closed?

Hon. Mr. Davis: As I understand the possible structure of the conference it is not to be a full-fledged federal-provincial conference with numbers of delegates. It is basically for the first ministers and I would be reluctant to give that undertaking. I don't think it would serve any useful purpose because I don't think it will necessarily be the kind of meeting where there are 30 or 40 people in every provincial delegation.

Mr. Roy: In view of the question of my leader and the Premier's response, understanding that that may be a problem if the conference is only for first ministers, would he alternatively undertake to have a debate

in the House prior to the conference so he may have our views and, proceeding as the Premier of this province, will have cohesion and full support of all members of the House in the approach taken by this province?

Hon. Mr. Davis: The member for Ottawa East perhaps didn't hear what I said to the Leader of the Opposition and what I said when the House reconvened. That is why we have tabled documents which I assume the member for Ottawa East has read very carefully. Those documents were tabled so that all members would have the opportunity—I invited the members—to participate in a debate on the position that Ontario was presenting with respect to constitutional reform.

I have just said to the Leader of the Opposition that I would assume that is one of the main agenda items along with fiscal arrangements; if that is still an agenda item, not only would I welcome the debate or the discussion that is why we tabled the documents—so we would all have a chance to take a look at it and be able to participate in a constructive fashion which I am sure the member for Ottawa East always wishes to do.

Mr. Lewis: I would like to ask a related question of the Premier based on his reply. Since the Prime Minister said clearly to the media, to the public, last night that the agenda for the conference was still open to negotiation with the Premiers, would it be Ontario's position to expand the terms of that conference now to deal with economic and social matters beyond the return of the constitution, and, again, to do it in the kind of public arena which would begin the process of subduing anxieties and reaching a new Canadian consensus?

Hon. Mr. Davis: I think really the member is talking about two or three rather distinct problems and I think we can get into a lengthy discussion today as to which compartment one would put those individual problems in. The Prime Minister has said the agenda is still open and I think agendas are always open until we get there. I would not be really anxious to state that I believe the Prime Minister should adhere to those things which 48 hours ago he felt would be normally part of our discussion. In his wisdom, he may want to consider himself just what should make up the agenda of the first ministers' conference.

Mr. Lewis: What about your wisdom?

[2:15]

Hon. Mr. Davis: I am always prepared, if asked, and sometimes when I am not asked, to pass on whatever thoughts I might have. As it relates to having a discussion, shall we say, in this House on Ontario's position on fiscal arrangements, I don't know that I would have any reluctance, because our positions have been publicly stated and there have been opportunities for questions and discussion here in the House. I've not sensed any great division of opinion as it relates to fiscal arrangements.

Once again, I would probably observe that that aspect of any first ministers' conference doesn't really go to the heart of whatever difficulties this country may face. It causes problems in terms of finance, taxation, etc., but I don't think it's the thing, in my view at least, that was sort of the basis for the results of what happened yesterday in the province of Quebec.

Mr. Bullbrook: Supplementary: I'd like to ask the Premier if he could assure us, if the question of the constitution is not thought proper or timely with respect to the next first ministers' conference, that he might attempt to extract from the Prime Minister of Canada an undertaking that there will be no unilateral action by the federal government with respect to patriation before the matter has been fully discussed?

Hon. Mr. Davis: I don't really think it will be necessary to do so. We've made our point of view known to the Prime Minister on this issue. I've made a number of speeches expressing genuine reservation about any unilateral action on the part of the Prime Minister. This was part of the communication made to him as a result of the Premiers' meeting here in Toronto. In fairness to the Prime Minister, while I don't think he necessarily agreed with all of those matters that were raised at the Premiers' conference, I think he made it clear in his response that he was prepared to discuss it with us.

I'll certainly make this point again, but I would say to the member for Sarnia it's relatively academic: I do not believe in the present circumstances the Prime Minister of Canada, without consultation with the other Premiers, would take any unilateral action. That's a point of view the member for Sarnia might not share, but I don't think the Prime Minister would.

REED PAPER

Mr. Lewis: A question of the Premier: When might he be able to tell the House his choice of a chairman for the Environ-

mental Assessment Board hearings on the proposed Reed Paper transaction?

Hon. Mr. Davis: I would hope to inform the House just as soon as that choice and decision have been made.

Mr. Lewis: That certainly cuts through the blur to the core. I hope the Premier is as precise at the constitutional conference. It will be reassuring to Canada and our future. When he meets René Lévesque, he'll have to be on his toes.

Hon. Mr. Davis: I have had some practice with you.

Mr. Lewis: He's a far greater match, let me assure the Premier. By way of supplementary, may I ask the Premier what is his response going to be to the apparent explicit rejection on the part of the peoples of Treaty 9 of participating in the Environmental Assessment Board hearings? What further steps does he intend to take?

Hon. Mr. Davis: I think that really relates to the person who will be asked to undertake this responsibility. I have communicated to, or it's in the process of being communicated to, Mr. Rickard the desire on my part to discuss that particular appointment with him prior to any public announcement. That is not necessarily the usual or customary practice, but that has been or is in the process of being communicated to him. I think that would be the occasion to have discussions as to what involvement Treaty 9 would have. It is still my hope that they will approach this in a way that is constructive and that will add to the hearing and help us resolve this problem. I don't want to speculate or make any other conjectures at this moment until such time as the person who is to be chairman of the hearing is determined.

SECONDARY SCHOOLS CURRICULUM PLANNING

Mr. S. Smith: A question of the Minister of Education: Since it is now well over a month since he promised to have some revision in the requirements for the secondary schools in curriculum planning in Ontario, can he tell us when we can finally expect a full report with a full explanation, so that the guidance teachers can once again begin to give guidance to the students of Ontario? There are cases in Oakville, for instance, where the teacher is unable to give advice, not knowing what the course requirements are going to be for the next year.

Hon. Mr. Wells: All the schools in this province have had the requirements and they know they will get the detailed HS-1 document within the next couple of weeks. All they have to do is phone up our regional office if they have any questions.

FEEES FOR FOREIGN STUDENTS

Mr. S. Smith: A question for the Minister of Colleges and Universities: Is it true that in view of administrative and other difficulties he might consider abandoning the differential fee concept for foreign students? Has he come to the conclusion that it is turning out to have the appearance of unfairness which causes hardship and that it's administratively difficult to handle?

Hon. Mr. Parrott: The answer to the first question is a very clear no. The last part of the question is supposition and I don't share it.

Mr. S. Smith: By way of supplementary: Can the minister tell us whether the government has made any efforts whatsoever to arrange reciprocal arrangements with such places as the state of Michigan and other places where Canadians frequently study so that Canadians can have the benefit of reduced rates for tuition similar to those given to the residents of those particular states, in exchange for which residents from those states, when they come here could pay the same fees charged to other people in Ontario?

Hon. Mr. Parrott: There has been a lot of discussion on that subject but I would ask the leader of the third party to recognize that in Canada we educate two students for every one who goes out of the country. I think that statistic shows we are carrying a very full share. If we combine it with the amount of subsidy or the amount the taxpayer of this province pays for the education of those students—which still is 65 per cent of the total cost—when we equate those figures plus the fact that there is a very small base of population to carry that very heavy burden here in Canada, there is no doubt that we in Canada and particularly this province are doing more than our full share in educating those people from other countries.

Mr. Sweeney: A supplementary to the minister's first answer: Is it not true that the differential fee which was levied on the community colleges, effective September, has not been collected from all those students it should, because the administrators simply

can't identify them? Is this what the university presidents are concerned about for January?

Hon. Mr. Parrott: I think we are as concerned as anyone else about how that programme will be finalized. There are very few in the college system where that applies and by the first of January when a large number will be in the system we will have the full mechanism in place. I don't anticipate for a minute that it isn't possible to do and we shall do it.

Mr. Speaker: Is this supplementary? All right, final supplementary from the member for Scarborough-Ellesmere.

Mr. Warner: Does the full mechanism involve each student in the university proving his or her citizenship rather than just relying upon a signature as a statement of citizenship?

Hon. Mr. Parrott: I thought I said, and I will repeat, that by January 1 the full mechanism will be in place. There are still some details to be worked out and we are working on it but I don't want the member to think for one minute that it isn't possible. Secondly, I would like to say to the member that this country does need some individual responsibility by those people who are participating in the many benefits this province yields. It is about time all of us recognize the total responsibility isn't always on the system but should be on individuals on many occasions.

An hon. member: Like the home-owner's grant.

Mr. Speaker: Order.

An hon. member: He's sounding very right wing.

Mr. R. S. Smith: It's not the same for the professors. That's a different situation. It depends on who you are.

LAND SPECULATION TAX EXEMPTION

Mr. S. Smith: A question for the Minister of Revenue: Is the Minister of Revenue now prepared to respond to my question of last week regarding land speculation tax and land transfer tax waivers for Ronto and Wimpey respectively, regarding what seems to have been a \$10.5 million profit or approximately \$10 million profit made in Brantford recently?

Hon. Mr. Meen: I inquired just this morning on that score and I expect I will have the answer for the hon. member within a couple of days.

Mr. S. Smith: There is no rush about it. It is only \$10.5 million.

Mr. Peterson: Take your time.

Mr. Makarchuk: When the minister tables his reply, will the minister table a breakdown of the half-million-dollar selling cost, and how much of that selling cost was involved in donations to politicians and political parties?

Hon. Mr. Meen: I have no information in my ministry on that score, Mr. Speaker, and I would expect that any kind of contributions to political parties will be disclosed in the usual fashion through the election finances commission.

DELAY IN OSAP APPROVALS

Mr. S. Smith: A question of the Minister of Colleges and Universities once again, and I trust we will get a slightly better answer.

Hon. Mr. Davis: It depends on the question.

Mr. Moffatt: We hope it is a better question.

Mr. S. Smith: Your duties to the third world are very touching.

Has the minister received a letter from the Ryerson students' association concerning the delay of OSAP approvals? Approximately 100 people in that institution alone have had some delay. What does the minister plan to do about it?

Hon. Mr. Parrott: If the member is asking me if I personally have received that letter the answer is no. There may be a communication to the student awards officer, but I personally haven't received that letter as yet.

Mr. S. Smith: By way of supplementary, has the minister been informed of an unusually great number of delays in the OSAP approvals which have been occurring this particular year? These have certainly come to my attention. Has the minister been informed of these delays, and has he been informed that there appears to be a belief that there is a particular delay when the application arrives in the French language?

Hon. Mr. Parrott: No, I am not aware of that at all. I discussed this at some length

this morning, and the statistic that I have in my possession now relative to delays is of those that need to be reprocessed, and there are a considerable number of them, through errors either by a student or within the ministry, or wherever, the proportion is about three to one of errors on the part of the student; three out of every four. I don't suggest that is from lack of knowledge or an attempt to mislead, but these errors do occur and they do slow down the process because then they have to be recycled and the computer can't handle it when a mistake is made. I think that is understandable.

Mr. Good: Yes, they can't read and write.

Mr. Lewis: What about you personally?

Hon. Mr. Parrott: We are not talking about the commitment I made in the House the other day. That still stands. I would have to remind the House that I made a commitment that I would personally help any of those students who were going to drop out of school because their award wasn't coming through. I had two lists presented to me. The first list was from the member for Timiskaming (Mr. Bain) with three names on it. Two of them already had their award received and one is being looked after. Two were already received.

Mr. Yakabuski: A mountain out of a molehill.

Hon. Mr. Parrott: The other member sent me a list of 21. I have a report on that 21 now. Many of them were not students who will ever receive an award because their parental income was such that no award was indicated. The commitment that I made was to help those students who would need to drop out of school at this moment if they weren't given an opportunity to have their awards.

Mr. Cassidy: How many hundreds never heard about that commitment?

Mr. Speaker: Order, please.

Mr. Cassidy: How many dropped out?

Mr. Speaker: Order.

Hon. Mr. Parrott: The point is, if you keep sending over lists—

Mr. Speaker: Order, please. Will the hon. minister ignore the interjections when answering.

Hon. Mr. Parrott: —then it destroys the the whole process.

Mr. Cassidy: Nonsense.

Hon. Mr. Parrott: It delays it. If you will take your responsibility we are more than prepared to take ours on this side of the House.

Mr. Cassidy: If you would start to administer the programme—

Mr. Bain: On a point of personal privilege, the minister stated he was sent a list with three names. He was sent only one name. I did not send him a list with three names on it. I sent him one name only.

Hon. Mr. Parrott: If I remember correctly, in the House that night there was a great speech going on by the member for Timiskaming telling us about how many were not getting the award certifications back. When we pin it down it becomes one. Not the many hundreds, the many thousands; it becomes one.

Interjections.

Mr. Speaker: Order, please.

Mr. Bain: On a point of personal privilege, I realize that Timiskaming may be remote for the minister, but if there is one person in Timiskaming with this problem there is one in every other riding in this province.

[2:30]

Mr. Warner: If it is not true that there are approximately 10,000 such applications which are approximately two and a half months late in being processed, could the minister give us the accurate number as to how many fall into that category for all of the institutions in this province?

Hon. Mr. Parrott: Well, it's certainly not true that it's 10,000. I would think a more accurate figure of awards not yet returned to the students is about 5,000 at this time.

Some hon. members: Shame.

Mr. Speaker: Order.

Hon. Mr. Parrott: Some of those, as I indicated earlier, were because of errors on the part of the students and some of them within the ministry—but by far the larger per cent were on the part of the students—while some of them were late applicants. There are many reasons for that, and I am thinking that if the member suggests it is 10,000, he is totally incorrect.

SUSPENSION OF MAPLEHURST GUARD

Hon. J. R. Smith: In answer to the question asked by the hon. member for Halton-Burlington (Mr. Reed) yesterday, effective November 15 this year, Mr. D. J. St. Andrew was suspended without pay in accordance with section 22(1) of The Public Service Act. Mr. St. Andrew's suspension is related to an incident which occurred at the Maplehurst Correctional Centre which is currently under investigation by the local police authorities and the Ministry of Correctional Services. Further public comment on the nature of the incident might affect the judicial process.

Suspension of an employee without pay is a serious matter which is given careful consideration before it is put into effect. However, it has been the experience of this ministry that in cases which involve police investigation and possible further judicial involvement, suspension without pay is advisable in some circumstances due to the length of time that may be involved in these proceedings. The choice of whether an employee is suspended with or without pay is not a reflection of the ministry's opinion of guilt but rather relates to the seriousness of the allegation and the manner in which the allegation may be dealt with.

Should Mr. St. Andrew be cleared, he will be returned to duty and reimbursed for the period of his suspension.

Mr. Reed: Supplementary: Considering that to this date no charges have been laid, no hearing has been held, no trial has been held, can the minister give us an indication as to when this suspension will be lifted, knowing full well that it is reinstatable every 20 days, whether or not he agrees with me that it is an implication of guilt?

Hon. J. R. Smith: I wish to assure the hon. member that as soon as the police investigation is completed and our internal investigation is completed, and if it is found that the employee is innocent, he will be reinstated as quickly as possible. I personally will give him that guarantee. It is not going to be dragged out too long. A very serious charge has been laid by an inmate of that centre regarding this gentleman and the matter has to be cleared by investigation before he can be reinstated.

CANCER AND ASBESTOSIS

Mr. Laughren: A question for the Minister of Labour concerning the fate of a Mr. Aimé Bertrand, a former Inco employee who worked

with asbestos and now suffers from throat cancer: In view of the increasing evidence that there is a relationship between all forms of cancer and exposure to asbestos dust; in view of Dr. Irving Selikoff's statements, as recently as yesterday in Toronto, that it should be compensable; in view of the fact that there is no evidence to the contrary; in particular, in view of hair samples from Mr. Bertrand that were just returned from a laboratory in the United States which show an extremely high level of silica and silicon, namely 46 parts per million of silica and 98 parts per million of silicon; and in view of the fact that Dr. Cecilioni's opinion is that there is justification for reconsideration by the board, will the minister direct the Workmen's Compensation Board to change its policy on the relationship between throat cancer and exposure to asbestos dust so that it becomes a compensable industrial disease?

Hon. B. Stephenson: Mr. Speaker, I will not direct the board to change its position at this time. However, I would remind the hon. member that Dr. Ritchie and Dr. Miller have both looked at this problem. They have reviewed all of the available literature but they have not, at this time, recommended any consideration of the inclusion of cancer of the larynx or of the throat in the compensable area of asbestos. It is a matter which is being kept under study by a number of researchers.

I am aware of Dr. Selikoff's statement as of yesterday and I'm sure that both Dr. Ritchie and Dr. Miller are aware of it as well. If there is good reason, good epidemiological reason, to include it, I'm sure that it will be included. The matter is under review by the board and when the board has made a decision based on scientifically valid evidence I am sure it will inform me.

Mr. Laughren: In view of the fact that even the minister would admit, surely, at this point in time that there is at least conflicting evidence as to the relationship between asbestos exposure and all kinds of cancer, does the minister not think it's time the Workmen's Compensation Board accepted some responsibility to do more research in matters such as this instead of relying upon the union and the worker to send hair samples to the United States to get results? Further—

Interjections.

Mr. Laughren: I'm not finished. Further, has the minister acted yet upon Dr. Ritchie's recommendation of a year and a half ago that studies should also be initiated to determine if there is a real association between ex-

posure to asbestos and carcinoma of the larynx?

Mr. Lewis: That's a separate study.

Hon. B. Stephenson: There are epidemiological studies going on at all times specifically related to asbestos. This matter of asbestos and the larynx is one that has been examined. It will continue to be examined as more information is made available.

Mr. Davidson: Until more people drop dead.

Hon. B. Stephenson: There may be conflict of opinion on the part of certain medical specialists in this area but the weight of opinion at this time is that there is no direct relationship.

Mr. Lewis: Oh, shame!

Hon. B. Stephenson: Dr. Selikoff believes that there is a direct relationship. There are others who believe there is no direct relationship.

Mr. Lewis: Name them.

Hon. B. Stephenson: On the basis of epidemiological reports this has not as yet been included in the compensable list.

Mr. Laughren: In view of the fact that the minister has stated on numerous occasions that when there is a doubt the benefit of the doubt goes to the worker, would the minister indicate to the House who it is who's giving evidence to the contrary—that there is no relationship between asbestos exposure and cancer of the throat? Finally, would she also meet with the senior medical people at the board, with Mr. Falkowski and other people of the Steelworkers Union to consider this case again?

Hon. B. Stephenson: I have met with the senior medical officers of the board and with Mr. Falkowski from time to time and I would be perfectly happy to do it again. There is a difference of opinion on the part of some specialists and I will get the member the list of those who believe at this time that there is no direct relationship.

Mr. Lewis: On a point of privilege. Mr. Speaker, on a point of order or privilege, I'm not sure which—

Mr. Speaker: Order, please. This is getting into a debate. We'll allow the hon. member a supplementary.

Mr. Lewis: I'll ask the supplementary and put it in that context. Why is it always so

difficult for the ministry and the board to accept even the evidence which we have in the province of Ontario? How can she say there's no direct relationship established when the best study in this area in the scientific community was conducted by Dr. Robert Morgan almost two years ago, with the University of Toronto, establishing a direct link between asbestos and laryngeal cancer? The minister won't accept it!

Hon. B. Stephenson: Mr. Speaker, I would be delighted to respond to that question. The study done by Dr. Morgan in the province of Ontario has been subjected to careful epidemiological examination—

Mr. Lewis: Yes, and clearly—

Hon. B. Stephenson: —and in fact the one thing that study proved is that married men get cancer of the larynx more frequently than single men.

Mr. Lewis: Come on. You always do that to your medical evidence.

Hon. B. Stephenson: It does not prove any direct relationship. Cancer of the larynx is a multi-causal disease and the multi-causal diseases must be examined carefully in order to ensure that the proper decisions are made.

Mr. Lewis: You will have to give in on this one again.

Hon. B. Stephenson: That's exactly what we're trying to do on behalf of all of the workmen in this province.

Mr. Lewis: Six months from now you will accept it. All you know is to smear Bob Morgan's studies. That is ridiculous.

Mr. Speaker: Order, please. The hon. Leader of the Opposition will restrain himself, please.

ENERGY CONSERVATION

Mr. Good: I have a question for the Minister of Energy on energy conservation. Is the minister aware of the new concept in store and commercial lighting developed by Wand-X Corporation Limited of Waterloo, which is a low voltage, high-intensity lighting arrangement that can effect a saving of 50 per cent of the electricity used for store lighting?

Hon. Mr. Timbrell: Mr. Speaker, I'm very pleased to take part in this advertisement for this firm in the riding of Waterloo North, as

long as I can get equal time for Saft Batteries which is in my riding.

Mr. Mancini: Try again.

Hon. Mr. Timbrell: I'm well aware of this type of device. I must admit I wasn't aware of this particular company. There are a great many more of them coming on the market, which we're pleased to see.

Mr. Good: One short supplementary: Would the minister have his people examine this sealed beam lighting unit, which at 35 watts develops the same lighting intensity as a 150-watt incandescent bulb? Would he have his people look at it and do what he can to promote this type of lighting—

Mr. Bulbrook: Put some light on it.

Mr. Good: —no matter by whom it's developed, as an energy conservation measure?

Hon. Mr. Timbrell: Mr. Speaker, the Premier has pointed out that he'd like one of those as well, if the member has two.

Hon. Mr. Davis: I would like to study it.

Hon. Mr. Timbrell: I note on the advertising sheet which the hon. member sent over to me to tell me that he was going to ask this question that it already says "Approved by Ontario Hydro," so in fact it has already been examined by Ontario Hydro, which is responsible for the electrical safety code—

Mr. Singer: But not by the Premier.

Hon. Mr. Timbrell: —and it has been approved for marketing in the province.

Mr. Good: But he couldn't get into your ministry with it.

MILK IMPORTS

Mr. MacDonald: A question of the Minister of Agriculture and Food: In view of the persistent allegations of widespread bootlegging of milk to plants in eastern Ontario, would the minister indicate what he has ascertained to be the facts in this connection and what he's going to do about it?

Mr. Conway: No bootlegging in eastern Ontario.

Mr. S. Smith: Certainly not milk.

Hon. W. Newman: Mr. Speaker, I'm well aware of the allegations that the member for York South has made. We have looked into it and we can find no substantiation for this.

However, to be on the safe side, I notified the appropriate person, who is Hon. Eugene Whelan, by phone about two weeks ago that there was a possibility this was going on and asked him to please look into it.

Mr. Nixon: What would you do without Whelan over there?

Mr. MacDonald: Supplementary: In view of the specification of those allegations by one of your own back-bench members, namely the member for Stormont-Dundas-Glengarry (Mr. Villeneuve), in specific detail as to 125,000 to 200,000 pounds a day going to Kraft, has the minister dismissed it from him too, and what was the minister's reply to him as to an explanation of this so-called programme?

Hon. W. Newman: Mr. Speaker, if the agriculture critic over there would only get his facts straight and get a few things sorted out in his mind, yes, some milk did come in from Quebec to Ontario plants, which is quite legal.

Mr. Cassidy: Blustering Bill. He is off again.

Hon. W. Newman: Up to 240,000 pounds came into Ontario in October with one company. There was milk going from Ontario into Quebec too, but that's not the kind of milk that the member is talking about, and I think he should get his facts straight.

Mr. Ruston: It is goat's milk.

Mr. MacDonald: May I ask what is the minister's reply to the detailing of this situation in eastern Ontario by one of his own members, the member for Stormont-Dundas-Glengarry?

Hon. W. Newman: Mr. Speaker, I have asked our people to look into it and our people have been looking at it. I cannot interfere with another provincial jurisdiction and I have brought it to the attention of the federal Minister of Agriculture that there is alleged—there is alleged, I say—some of this going on. I have no confirmation of it or proof in any way, shape or form at this point in time.

Mr. MacDonald: Mr. Speaker, on a point of personal privilege, may I just draw to your attention that the minister rose and accused me of spreading this detail—

Mr. Singer: How many supplementaries does he get, seven?

Mr. MacDonald: —when now he concedes he's been getting it from his own back-benchers. Will the minister take a look at the memo he got November 1 from the hon. member for Stormont-Dundas-Glengarry?

Mr. Lewis: Right. It's a good memo. It's an excellent memo.

Mr. Speaker: Order.

Hon. W. Newman: Mr. Speaker, I would say that the member for Stormont-Dundas-Glengarry is one of the finest members of this House and I have a lot of respect for him. He's done a great job with some of the things that the hon. member for York South would like to try and undo in the dairy industry—

Mr. Nixon: He won't be the next Minister of Agriculture.

Hon. W. Newman: —and he better stop it because the farmers are catching up to him.

Interjections.

Mr. Lewis: We are ready to go. Pull the plug.

Mr. Speaker: Order, please. A final, final supplementary, the member for—

Mr. Nixon: What do you mean, final? It's his first one.

Mr. Speaker: Order, please. The member for Huron-Bruce.

Mr. Gaunt: Mr. Speaker, supplementary: Has the minister heard any reports of milk coming in from the United States, and if so, has he investigated those reports and what were the results?

Hon. W. Newman: Mr. Speaker, I understand there was a couple of loads of whey came in from the US—

Mr. Lewis: A couple of loads of whey?

Mr. S. Smith: Not curds?

Hon. W. Newman: I checked with the board—it's illegal to bring milk into the province of Ontario as the hon. member well knows—and in talking to our own people and the Milk Marketing Board there's no proof of any milk at all coming in.

[2:45]

NATURAL GAS LOSSES

Mr. Peterson: I have a question of the Minister of Energy, referring to the Medina

Natural Gas Company in Aylmer. Is the minister aware of their rate application now before the Ontario Energy Board; and the very excessive rates they're charging, relative to the other gas companies? Is he taking any action in this area, as the minister?

Hon. Mr. Timbrell: I'm sorry, I missed the first part of the question. I think the question was am I aware of the application. I am aware that they've applied; I believe it's for a phase 1 rate hearing to determine rate base. I may be mistaken; perhaps it's phase 2.

Mr. Peterson: Supplementary: One of the problems in this situation is that there is proven line loss of 30 to 35 per cent, for which it appears that the consumers are paying because of a faulty engineering system.

Mr. Speaker: Is there a question?

Mr. Peterson: My question was is the ministry looking into it? What is the ministry's position on these gas companies, particularly the smaller ones which have deficient facilities?

Mr. Eaton: It is operating like a Liberal, it is inefficient.

Hon. Mr. Timbrell: On the question of the safety and operation of the gas lines, as the hon. member knows that falls basically under the Ministry of Consumer and Commercial Relations. There was a hearing before the Ontario Energy Board early in this year on the takeover of Medina Gas. Two local gentlemen, Mr. Harold Stafford, the former member of the House of Commons for Elgin, and Mr. Lowrie, applied for permission to assume control of Medina, which permission was granted.

In the approval granted by the government, we did include provisions for undertakings by the new owners to improve the quality of the system. We are very concerned about the fact that over the last few years the losses in the Medina Gas system have been significant and we want them improved.

Mr. Peterson: As I know the minister understands, the line loss was roughly 35 per cent a year or so ago. Now they're projecting 27 per cent. Does the minister think this is a reasonable standard to ask from these gas companies, to permit a line loss of 27 or 30 per cent? We're talking about what the consumer is paying for.

Hon. Mr. Timbrell: The point is that the system is being improved. Inspections by the staff of the Ministry of Consumer and Commercial Relations are going on to ensure that it is a safe system. The new owners have undertaken to improve the efficiency, to get it to acceptable levels. Every gas line in the province loses some gas, though granted in this case the losses, previously at least, have been extremely high. They are being improved and will be improved further.

Mr. Speaker: The Minister of Housing has the answer to a question asked previously.

Mr. Mancini: Mr. Speaker, I have a supplementary.

Mr. Speaker: I'm sorry. The member for Essex South with a supplementary.

Mr. Mancini: If the minister is going to allow certain utilities supplying natural gas to lose 27 or 30 per cent, then why did he allow members of his ministry to use that as a reason to shut off the now defunct Farmers' Gas?

Hon. Mr. Timbrell: It was not a case of allowing 27 or 30 per cent; it comes down to whether or not there is a safe system in operation. In the case of Farmers' Gas that in fact was not a safe system; in the case of Farmers' Gas all customers have now converted to other fuel.

Mr. Speaker: The Minister of Housing.

Mr. Mancini: I have another supplementary.

Mr. Speaker: Final supplementary.

Mr. Mancini: When we had a meeting in the minister's office the deputy minister used the excuse or the reason that we were losing a great amount of natural gas as one of the reasons why this gas line was now shut off. The question is not that they got extra energy or a new source of energy, but why in some cases is the minister allowing up to 30 per cent to be lost, while in other areas he is using this as an excuse to shut down gas lines? That's the question.

Hon. Mr. Timbrell: I understand the question but I think the hon. member misunderstands the background. First of all, the member had in his area a company which had not filed its reports with the government and which had lost its charter, that's number one. That company in fact did not exist any longer. In the case of Medina, the company very much exists. The company changed

hands and the new owners have agreed to improve the system, which they are doing.

EXTENSION OF OMC TAX DEADLINE

Hon. Mr. Rhodes: Yesterday the hon. member for Windsor-Riverside (Mr. Burr) and the member for Wentworth (Mr. Deans) inquired as to the situation involving homeowners who had mortgages held by the Ontario Mortgage Corporation as it related to the payment of back municipal taxes. As just a brief word of explanation, the factors affecting the mortgage accounts in question included the length of time between the occupancy of the houses and the Ontario Mortgage Corporation's notification by the municipality of the full year's tax levy. Tax increases were also higher than anticipated.

OMC, as is the normal practice, estimates monthly tax payments on new properties but does not adjust the monthly payments until after a full year's taxes have been paid by the OMC on the owner's behalf. In Windsor, for example, many owners occupied their houses between November, 1974, and mid-1975. In some instances the partial 1975 bills were not received by Ontario Mortgage Corporation for payment until June, 1976, by which time the final 1976 bills were also becoming due and payable.

Upon payment of the final 1976 bills, Ontario Mortgage Corporation's annual review revealed that 1976 taxes in some accounts were 21 per cent higher than in 1975 and 35 per cent higher than in 1974 when the original estimates were made.

Mr. Deans: Do you hear that, Darcy?

Hon. Mr. Rhodes: This resulted in deficit positions after payment of 1976 taxes. What I want to tell the two hon. members and others, is that in the short period of time we have looked into this we have been able to identify approximately 800 such mortgages in the Windsor, Hamilton and Ottawa areas. I have instructed Ontario Mortgage Corporation to remove any question of deadline. There will be six months given to the property owners to make their payments and there will be no interest charged for that six months.

FAILURE OF SWITCHES

Mr. Moffatt: I have a question of the Minister of Health: I would like to ask the minister what action has been taken by his ministry to correct the obvious failure of

Robonic switches in alternative generating sources at hospitals in this province, as reported in the October 30 story in the Ottawa Citizen?

Hon. F. S. Miller: Mr. Speaker, since I am unaware of the problem I will have to check and let the member know.

Mr. Moffatt: A supplementary, Mr. Speaker.

Mr. Speaker: The oral question period has expired.

Petitions.

Presenting reports.

Motions.

Introduction of bills.

Before the orders of the day, I should announce to the House that pursuant to standing order 27(g), the hon. member for Ottawa Centre has filed the necessary notice that he is dissatisfied with the answer given to him by the Minister of Consumer and Commercial Relations on November 10 concerning rent review. This matter will be debated at 10:30 this evening.

Orders of the day.

EMPLOYEES' HEALTH AND SAFETY ACT (continued)

Resumption of the adjourned debate on the motion for second reading of Bill 139, an Act respecting Employees' Health and Safety.

Mr. Mancini: Mr. Speaker, before we adjourned yesterday I was questioning section 4(6) in the Act respecting Employees' Health and Safety.

It says a committee shall meet during working hours, at least four times a year and not more often than once a month, and may be required to meet by order of the minister. I think this should be left up to the individuals at the certain work place. I believe if they feel it is necessary to meet four times a year they should, but I also believe if they feel it is necessary to meet more often than once a month or at least once a month they should be allowed to do that.

I would like to say that probably the most important and most basic principle in this bill is the right to refuse to work. Now that the workers have this right, or will be having this right very shortly, I believe we will be seeing many employers working very quickly in the direction of taking care of the heat problems which exist now in some factories. I am sure they will be moving now into the

area of reducing gas odours and excessive noise. This is surely something that should have been done in the past but now, with this type of legislation, we'll be able to get on with it.

Another section of Bill 139 that gives me some concern is section 7. This section allows a government inspector to give direction in writing to the employer and this direction is supposed to be placed in an area where it's very visible. It concerns me because there are many people in our province—some of French descent, some of Italian descent, some of Portuguese descent, etc.—who may not be able properly to understand exactly what the order says. I believe it is very encumbent upon the minister, where there is a work place with a large ethnic community, such as some of the ones I've just mentioned, to ensure that the order should be in more than one language if the people feel it's necessary. I think that can be worked out through the safety committee and through the inspector.

Regarding section 8, we must not only try to protect people who are presently employed in dangerous and hazardous working conditions, but we also must give notice to prospective employees. Therefore, I believe the minister should include a provision in this bill to the effect that a corporation must make available to a prospective employee a copy of that company's safety record so that when a person is going in to apply for a job he knows by the company's record whether it has been attentive to the workers' needs as far as health and safety are concerned. I think that is very important.

Yesterday, a lot was made of the legislation coming from Saskatchewan. I have a copy of that legislation before me now, and I believe that legislation, in section 14(2), does not allow an employee to refuse work; it only allows this to be done by an order of the minister. I think our legislation is somewhat stronger than that, but we can also look at that in a different sense. We can also look at the Saskatchewan legislation as being more balanced legislation.

We here would like to believe that no one would be irresponsible enough in our work places to stop work or to stop production for reasons other than those relating to health and safety as the bill allows. I think the minister must give some type of consideration to what alternatives the employer has if the employees are using the tool of The Employees' Health and Safety Act to stop work for other reasons.

I think I'll end my comments there, Mr. Speaker.

Mr. Godfrey: Mr. Speaker, like many other of my colleagues in this party, I welcome this bill, and certainly the philosophy behind it is to be admired. I will not reiterate some of the comments that have been made with regard to the zealotry with which the minister will pursue some of the philosophy, but it is our hope that she will pursue it with suitable aggressiveness.

The bill on the surface appears to be concerned largely with some of the more major aspects of the health of workmen and it would seem to deal extensively with the mechanical things, the mining hazards and other things like that. However, there are other hazards that apply to employees in other areas of the work force—employees on a production line and employees in the offices. In particular, I'm more concerned in speaking today about the white collar workers.

[3:00]

The bill purports to make safe certain activities while on the work team. Looking at what safe means, it means secure, out of and not exposed to danger; unsafe would seem to be the opposite of those definitions. In speaking of unsafe we presume that the bill will protect against noise, not only the noise which is in mines or on heavy construction work but also the noise which would apply to normal working situations in office areas.

While I do not denigrate any of the hazards which are apparent in heavy industrial areas there are many people who suffer morbidity as the result of many factors which are existing in current working situations. One of the more common ones of these is the hazard of tobacco smoke. The House has previously heard me speak to this matter.

I wish to reintroduce it so that the minister understands very clearly—I am sure the minister will agree with me because in some of the minister's statements with regard to the etiology of cancer in various organs of the body, the effect of nicotine upon the incidence of cancer has been mentioned many times. If this can be brought forward as possibly one of the causes, as opposed to asbestos or other things like that, tobacco smoke must also be considered.

I think in all fairness that sometimes there is a shrugging off of the fact that cancer is caused by asbestos by pointing out that these people also smoked so therefore we cannot say clearly that carcinoma of the larynx is due to exposure to asbestos. It may also be due to tobacco smoke; but I will not debate that now, I prefer to do that at the academy of medicine.

The point I am making is that every worker should be free to work in a tobacco-free atmosphere, a tobacco smoke-free atmosphere. As we all know, tobacco smoke is composed of two components, one of which is called the main stream component which has been recycled through the smoker's lungs and does not carry as high a content of hydrocarbons or other carcinogen constituents. The other is side-stream smoke, that is, the smoke which is given out from a cigarette while it is being held or a pipe while it sits upon the table. This contains the more lethal components of tobacco smoke.

It represents a greater proportion of the tobacco which is consumed on a daily basis and it represents a significant factor in the working situation in many areas, whether in hospitals—smoking is still carried on in many hospitals, I regret to report—or whether it is in offices or other similar areas.

These hazards are not simply a matter of irritants. It is not simply a matter of being noxious to the eyes or to the nose but rather these are truly vectors of disease. I am sure the Minister of Labour (B. Stephenson), in collaboration with the Minister of Health (Mr. F. S. Miller) will eventually come to a sound proposal which will ban this type of activity.

When we talk about tobacco smoke, we are talking about tobacco smoke in normal working conditions, in an office. We are talking about a concentration level of constituents such as carbon monoxide, benzo-pyrenes and nicotine which have been measured in public places and working places and shown to have levels of carcinogens which are above normally accepted values.

The threshold limit which has been applied by our Ministry of the Environment for the acceptance of carcinogens is ignored in these common working conditions. This all takes place in the province of Ontario where we do not enjoy the same protection, at least on the books, as they have in Quebec. Under Quebec civil law, article 19, it sites: "The human person is inviolable. No one may cause harm to the person of another without his consent or without being authorized by law to do so."

In quoting from the Quebec civil law, I point out that we are remiss in not having a similar article on our books which, by legislation, would protect persons from being exposed to noxious fumes. This is not a theoretical consideration.

If we look at the body as being a machine, we need merely turn to a recent hearing of the standing committee on health, welfare

and social affairs—a federal committee—which was looking into aircraft and health factors. At that time evidence was introduced to the standing committee that on Air Canada flights the instruments on the panel board are subject to premature failure if they are exposed to tobacco fumes. Indeed, it has become a matter of common convention that smoking is not allowed around aircraft instruments on the proposition that they will fail more quickly.

This can also be seen in other areas. In testimony which was put forward in the United States where there was a consideration of computers and computer effectiveness, it was pointed out that computers are subject to more failure and subject to earlier breakdowns when exposed to tobacco smoke, with the result that there is now in several large companies a universal rule that tobacco smoke will not be allowed in the presence of computers. As a member of this House I appreciate the protection which is afforded to me by tradition, convenience and safety, inasmuch as I am not subject to tobacco smoke while working in this particular room. This is a pleasant tradition which happens by circumstance to have come about. Surely the Minister of Labour would not deny the same convenience and freedom from vectors of disease to other people who work in a common atmosphere? We enjoy the ability to work in this chamber without inhaling smoke. I suggest that the same right should be enshrined in legislation for other workers in white collar jobs.

Mr. B. Newman: In rising, Mr. Speaker, I would like to commend the minister for the introduction of this bill. We applaud the bill and we welcome the bill, except that we wonder what took the government so long to introduce such legislation.

Mr. Bain: Lack of minority government.

Mr. B. Newman: When we are dealing with health and safety in the work place I think that should have been a prime consideration of this government years ago. As one who is in a fairly heavily industrialized community you can readily see, Mr. Speaker, that the health and safety of the employees in the work place is of extreme consideration to me. As I mentioned earlier, this legislation is long overdue. It has been asked for by employees for years. It has even been asked for by employers. The advantage of this legislation now will not only be to the worker, to the employee, but it will also be to the advantage of the employer, to the government and to all. We hope that with the

implementation of this piece of legislation the injuries and accidents in the work place will be substantially reduced as a result of seeing hazards and unsafe conditions—the safety committees within those plants acting accordingly, bringing it to the attention of management; and likewise the other way around, management bringing it to the attention of the workers—and remedying the unsafe conditions or the unsafe piece of equipment, as the case may be.

I can see now that the ministry will have to probably require first aid education in more of the work places, because there is going to be the need for a fairly good familiarization of the employer with first aid procedures, since not all plants will have the advantage of having either a medical doctor available readily or having an individual who is familiar with the rendering of first aid, as the case may be.

As my colleague the member for Essex South (Mr. Mancini) made mention, I think it is sort of imperative of the ministry to see that information is published in the various ethnic languages so that those who are unfamiliar with the English and/or French language will have the opportunity of reading information and instructions in languages that they are completely familiar with.

One of the things that does disturb me is that in the bill itself we have certain types of hazards that I don't think are mentioned. For example, I think unsafe conditions could be as a result of high humidity in a plant. They could also be as a result of excessive heat. The work place could be unsafe and the employer could be at a distinct disadvantage, if such conditions do exist. I can see where there will have to be built-in heat tolerance limits. Once the plant surpasses the heat tolerance, then there should be an automatic suspension of work activity in that plant up until the time the excessive heat has been substantially reduced.

There are other physical aspects in the work place that could lead to an acceleration or increase in accidents. I would think that the physical aspects, likewise, would have to be taken into consideration. There is the fact that an employee in some instances has to work longer than the eight-hour day. Due to the fact that he is in some cases working double shifts and even around the clock and being put to such strain in the work place, physically he is not able to operate to his maximum potential. As a result, a dangerous condition could develop simply from the overworking of the individual. During the discussions of the estimates of the ministry,

some of these points were brought to the minister's attention. We hope that the minister will have tolerance limits in case of heat and, likewise, limits as to the number of hours that the individual could safely work in the plant.

I hope that as a result of this legislation data banks will be developed in the plant so that the employer at least will have a history of the individual's working conditions as well as history of the accidents and the medication that may be given to the individual in the work place.

I would think also that one of the things we are going to have to demand is that the introduction of new procedures should always be a joint venture with the employees and management agreeing to the introduction of those new procedures. Likewise, if in the course of the manufacturing the management introduces new types of chemicals, I think there has to be some information provided to the union, if there is one, or to the safety committee of the new chemicals that are going to be introduced into the work place. Today with the exotic types of chemicals that are being discovered daily we haven't gone through sufficient experimentation to assess the safety of the use of the chemicals.

For example, in the sewing trade some of the materials that are being used have already been processed by flame retardants. From what I understand, some of these flame retardants, especially one called Tridibromopropyl phosphate, is carcinogenic. I would think that not only might it but also many other types of flame retardants be used on materials so that the individual working in the sewing trade is exposed to the handling of these materials and, as a result, could be adversely affected, and could develop a cancer.

In fact, in the United States right now they are looking into the use of the chemical that I made mention of and the chemical being used in the manufacture of pyjamas. It is said that there is a great danger that children wearing these pyjamas can be adversely affected and can develop cancer.

[3:15]

For example, back in the early 1960s I had raised the question of the use of asbestos; asbestos had been used in clothing manufacturing. At that time the Minister of Health said there was no danger whatsoever from the use of asbestos. Today we are sorry as a result of not having paid attention to the carcinogenic effects of asbestos, and now we have the problem to the point where asbestos will practically be banned.

I would hope that the work place not only be the factory or the shop, but also offices as well as medical laboratories and even hospitals. For example, there is the danger of mixing chemicals developing an explosive. For example, in Atlanta, Georgia, now, the centre for disease control has found that sodium azide is being used in blood testing and in blood cell counting, and the sodium azide is eventually poured into the sink and it combines with other types of chemicals. It combines with the lead, it combines with copper and can cause a violent explosion.

So you can see, Mr. Speaker, with the introductions of all types of new chemicals into the work place, unless we have some control over them and unless we test these, the danger to the individual being exposed to these in the work place is extremely great, and it could be such that it could mean his death.

I bring these few points to the attention of the minister, hoping she will take them into consideration. I support the bill and we certainly hope that as a result of this legislation this will be just the first step and that we eventually will develop health and safety in the work place to its prime, so that our industrial force or labour force works in a completely safe environment.

Mr. Mackenzie: Mr. Speaker, I wish to first congratulate the minister for bringing the bill in as far as she's gone with it. I am a little sorry that we had to be dragged into the 20th century on this topic of industrial health and safety. While I support the bill in principle, I am concerned with some shortcomings in it and I really hope the minister is open to positive amendments that may be moved. I think what concerns me, if I can put it on record, is the little debate we had earlier this afternoon in this House, when we tried to establish what there is no question about in my mind or in the mind of almost anybody who is dealing in the mines and the factories, a legitimate case of Aimé Bertrand. We found the minister's own statement that where the board's going to err it's going to err on behalf of the workers just wasn't true, because that's not what's happening in that particular case.

In dealing with some of the principles of the bill I am compelled to comment just briefly on the comments that were made yesterday, about who did or who didn't support safety and health legislation or bills in the House, by the member for Sarnia (Mr. Bullbrook); and I'm just sorry that he's not in the House today. As I listened to him yesterday, and I never heard such whining and carping in all my life, I could have sworn that we were listening once again to Albert

Rheume, that late Liberal-Labour member, and I just wondered why the Liberal Party always seems to want to drag labour into the courts and into the clutches of lawyers and try and define to death various sections of the Act.

What I really find is that there seems to be a tremendous amount of frustration from the members over their inability to sell the labour movement in the Liberal Party. It shows quite obviously in this House. They think a little bit of name-dropping, the occasional private member's bill, some fence-sitting hypocrisy or statements taken out of context, make a fair case.

Mr. Haggerty: You fellows would never do that, would you?

Mr. Mackenzie: That just hasn't convinced the labour movement at all. The fact is, they've blown it, as they did in Quebec yesterday. They've just simply blown it.

Mr. Lewis: Nova Scotia and Prince Edward Island— that's all they have left.

Mr. Mackenzie: In dealing with this bill, I think we have to deal with the principle that's involved. What we really are dealing with in the field of safety and health, and the principle we've got to understand and stay with in discussing this bill, is who has what at stake. In the case of the companies—in the case of the mines, for example—where a worker refuses to do a job that he considers unsafe, the company possibly is risking some production, possibly X dollars in profit. In the case of the worker who refuses, and who hasn't had much support in refusing an unsafe job up to this point in time, he could be risking his arm or his leg or his very life. That, I think, has got to stay before us when we're debating this particular bill.

When we take a look at why we're debating this bill in the House and the fight we've had to get this kind of legislation, I think it interesting to put a few things in perspective. Yesterday, my colleague, the member for Nickel Belt (Mr. Laughren), mentioned there is the right under the WCB Act to form a safety committee, but the fact is that up until now, even though we've had some real examples of unsafe work places in this province, it has never been done. Just as the minister's statements on Aimé Bertrand and on lung or throat cancer didn't give me too much confidence, the past record hasn't given me much confidence in what we get in the future.

I'd also like to point out that under The Industrial Safety Act, as we discussed in the

estimates, there is the possibility of fining a major industrial employer, or indeed of imprisoning him, for being responsible for unsafe working conditions or accidents in the work place. But, other than in the construction industry, we find that provision has never been used in the past either.

A publication that came out just this month from the steelworkers' union—I'm talking about the November issue of the *Miners' Voice*—deals with the safety laws across Canada and with who has the best and who has the worst safety laws in the mines. British Columbia, Manitoba and Saskatchewan are at the top of the list; the worst are Ontario, Alberta and the Northwest Territories.

It's rather interesting, to go through the checklist that was used in an investigation of all of the provinces and their legislation. I'll deal only with three or four of them, but there are about 30 positions. The right to refuse unsafe work?: "Yes" in British Columbia; "No" in Alberta; "Yes" in Saskatchewan; "Yes" in Manitoba; and we now have a bill before us in the province of Ontario. Workers' safety committees recognized?: "Yes" in British Columbia; "Yes" in Alberta; "Yes" in Saskatchewan; "Yes" in Manitoba; "No" in Ontario. Workers' right to inspect?: "Yes" all the way through and "No" once again in Ontario. I could go down the check-list on what kind of protection or coverage the workers have or don't have in the mines of this province.

There are several shortcomings in the bill and I hope the minister will deal with them when we get to looking at possible amendments. One of the areas that we're concerned with obviously is the fact that it's not mandatory and we feel it should be mandatory. We think, for example—at least I personally think, and I want to put this on record—that the British system of no limits on the numbers is a good system and should be considered.

I'll give one example for the minister to consider: There are a number of part plants that are highly automated but where there still can be some dangers. In many of these parts plants there are three to 10 men working, and I see no reason why they should not be covered by a safety committee as well.

A safety committee has got to be able to deal with all of those who come into the work place and not just those who are employees of that company or workers in that particular union. There are many cases where people are not involved in that unit but should be covered or where the safety committee should have the authority to deal with

people who may come into that particular work force.

We think independent technical advice should be available to the workers. They should be able to request inspections of job sites and go around with the inspectors when they call them in. This is something we haven't had. I only have to refer to the situation at Stelco. I can tell the minister that one of the things we got when I was in the 1005 office this week was a bill for some \$600 for testing some substances which we thought were unsafe in the Stelco operation.

It was a period of time ago when we had the tests done. It was to do with tires used to line the inside of the ingot moulds and what we did was take some of that material out of the plant and send it away for testing. When the inspectors came in—I'm going back a number of months ago now—there are two or three different substances which could be used in that plant and it wouldn't be the particular tire that was being used.

The test results we got back—in this case through Dr. Selikoff—showed they were extremely dangerous and high in asbestos fibre count. That is not being used now. It's something we've achieved in that plant. They've stopped the use of it. We didn't do it with any help from the Minister of Labour or the ability to call them in ourselves. If we asked for somebody, they'd come in and the company took them and they made sure that the operation being done wasn't with that particular substance.

Let me give another example. No. 2 scrap yard is right beside the coke oven. We haven't yet been able to get a test on that but the emissions from those coke ovens are affecting the workers in No. 2 scrap yard. We should be able to call in an inspector and we should have had this right long ago. It's been a long-time fight—it's not something new I'm raising—but we never got this kind of co-operation or this kind of ability to achieve this kind of free inspection in the work place.

I think the bill is also deficient in not ensuring protection for workers who are moved as a result of not being able to cope with some of the unsafe conditions. They should not have to be taken down to a lower job.

We have already run into some problems in the coke ovens. I didn't realize there could be somebody who might have some potential heart problems there, but their own doctors are telling them they should not be using the respirators which are now required or they do not advise it. At the same time we're discussing that, if she has not already done it,

it might be worth the minister's while to take a look at what they call the facial-airstream helmets which the union itself is taking a look at.

It's funny, though—I'm glad to see the minister nodding that she is looking at them—the first reaction we get from the companies is that they can get away with the old respirators at about \$8 apiece. We're dealing with about \$135 or \$140 for one of these lightweight helmets which are very effective. That seems to be the stumbling block right there. It's not the safety or health of the worker—it's the cost of that doggone helmet in an operation like the coke ovens.

I think when we have to move a worker out of a job because he can't cope with the existing equipment or requirements, he should not suffer a loss. There's the potential of suffering a fair amount of loss on the pension if a man is moved out of a higher paid job into a lower paid job. There's the potential of being moved into a sweeper's job when he's been in a class 12, 13 or 14 job and he's raising his family or working on that kind of income level. We haven't made provision for that in this particular bill.

I think there has to be more posting of unsafe conditions and the chemicals used in a particular work place and that should be guaranteed in the bill as well. I worry about the words "reasonable cause." It may be that that has to go in. I would be inclined to say "cause" only, to refuse an unsafe job. One thing that's hung us up in grievances and arbitration over the years is the definition of "reasonable." It's one of the reasons I'm suspicious of attempts to move us back in with the legal profession and getting definitions of these various terms.

Finally, there is the number of times we can have an inspection. I can't see why we limit it to not more often than once a month. I think that provision should be out of the bill.

My last comment is on minutes of meetings. When the minister sits down with the company, with the safety committee and with the Ministry of Labour or if it's just the safety committee and the company sitting down, I think minutes should be kept. They should be on record and should be available to the minister as well as the union in the future. It's surprising how often we find statements being made which weren't necessarily what went on at particular meetings we've had in the field of safety and health, and with many of the companies we deal with.

Finally, I'm really hoping that the minister doesn't break faith with the workers on this particular bill; that she looks at positive and strengthening recommendations and doesn't bow to the lobby I know she's already feeling, at least from the mining industry and probably some of the other major industries, trying to make changes which would weaken the bill. I say to the minister it has taken a long time and a hard fight to get to this point in terms of workers' health and safety in the work place and that she will really be breaking faith with an awful lot of people if she gives in to any suggested amendments that weaken it from the industrial sector. With that, I do commend the minister on the step that we have made with this bill and hope for its speedy passage.

Mr. Haggerty: I want to add a few comments to Bill 139, An Act respecting Employees' Health and Safety. I am most pleased and delighted that the minister and the government have finally moved in this direction. As the lead-off speaker for our party, the member for Sarnia, mentioned, we had introduced amendments to The Mining Act back in 1970. When I look at sections of the bill that is introduced by the minister—sections 4 and 5 I believe—they are similar to the amendments that were moved by the Liberal caucus back in 1970. As has been mentioned before, the party to the right, for some unknown reason, couldn't see justice in supporting the amendment.

Mr. McClellan: Read yesterday's Hansard.

Mr. Haggerty: Of course, it may be new to them and I regret that the member for Sudbury East (Mr. Martel) is not present today because I think he would concur with my views and thoughts on this particular bill too—

Mr. Bullbrook: A very temperate and reasonable man!

Mr. Haggerty: —because he has been most outspoken and added perhaps some of the best comments in leading the government to this present bill today and in bringing the legislation forward.

And I want to extend my best wishes for an early recovery from his present illness. Hopefully he will be back in the House very shortly. I am sure that we all miss him.

I am at a loss for words at this particular time about this particular bill because as I said before, I have a bill here, An Act to provide for the Establishment of Safety Committees, that has been on the order paper

here in the Legislature for the last five or six years. It reminds me of the position that the member for Wilson Heights (Mr. Singer) was put in when finally the government moved in the direction of bringing in Ontario's first Ombudsman bill. I think it is quite gratifying, in a sense, to say that at least the government is listening. It may take them a period of time but they do finally listen to the members from the opposition, from labour unions and from the employers and workers throughout the province of Ontario.

Interjection.

Mr. Haggerty: Again, I want to refer to a news release of September 13 from the Ministry of Labour.

"There is the fear that the occupational health and safety issue will become another forum for labour and management to carry out their political posturing. If management and labour, organized or unorganized, want to flex their muscles, fine, but let them do it over the bargaining table, not at an operating table."

Perhaps that is the particular section I want to deal with in the bill—and the minister's comments relating to this—that it has been labour that has been bringing it to the forefront and that government must move in a direction to provide better safety measures in all industries in Ontario. In many cases it has been done through the bargaining process and on occasion members of this party and myself have objected to this method of bargaining, that if a person is to bargain for his health and safety it should not be done at the bargaining table but it should be done through legislation and not on an operating table. I suppose we can look at the minister in her profession as a physician; maybe it's sympathy for those persons who had gone to the operating table to cure cancer.

Hon. B. Stephenson: Of course.

Mr. Haggerty: Certainly. Well, I'm glad the minister feels that way. But I can tell her this much: the previous Ministers of Labour, the previous Minister of Lands and Forests and Mines have not looked in this direction. If I had the time I could go on and read you a list of names, possibly 252 names, of persons who have—

Mr. Laughren: Lots of time. No hurry.

Mr. Haggerty: —come to cancer and related occupational diseases. And it's rather difficult that that person should have to bring

information forward to the different ministries. I can say that the efforts of this particular party, and the NDP, have brought about changes in the thinking of the Workmen's Compensation Board and they have allowed special claims for sinus cancer.

Perhaps there are other fields related to carcinogens that we should be looking at. One is cancer of the larynx. It's occurred particularly in persons employed in the mining industry, related to the smelters of the nickel industry in the province of Ontario, and hopefully the Workmen's Compensation Board will be looking into that matter of changing some of its views on it. Hopefully the minister will be bringing in an accompanying bill for the required amendments to The Workmen's Compensation Act as it relates to the regulations concerning new classes of occupational disease.

To this present day we don't have any compensation for severe bronchitis conditions or a number of respiratory conditions and diseases that workmen have come down with over the years. I think these are the areas that the minister is going to have to move in.

Look at section 4: "The minister may, by order in writing, require an employee or a class or group of employees as defined in the order to establish a joint health and safety committee or committees for a work place . . ."

Then in section 6(2): "Where there is no safety representative or authorized representative, the inspector or engineer shall endeavour to consult during his physical inspection with a reasonable number of the employees concerning matters of health safety at their work."

I say those two sections there are rather ambiguous, and perhaps the word should be changed from "may" to "shall."

Where it is requested by a group of employees, if a group of employees want a safety and health committee established within that environment, in their working place or the plant they're employed at, then by all means it should be available to them. I bring that to the attention of the minister. Hopefully she will bring in the amendments to do it.

The report of the royal commission on the health and safety of workers in mines may be a mild report in a sense to read, but it certainly does outline the lack of government policy in this particular field. In a sense it may be a damning report as regards the lack of interest of all government agencies, the

Minister of Labour, the Minister of Mines and the Minister of Health. They've done very little in the field of occupational health, and I'm sure that reports and studies will bear this out. They have done little in research in this particular area in the last two or three years. No doubt about it, the 117 recommendations here are relevant to the conditions that have existed in the mine smelter operations for the past 25 years.

I think recommendations 66 and 67 are identical to Bill 32, An Act to provide for the Establishment of Safety Committees, that I've introduced in the last six years. Section 22 is rather important. I think the minister must take a look at this particular section. As I mentioned before, she must be looking at changes to the workmen's compensation system. It should be an accompanying bill.

It says: "Section 22 and section 53 of The Workmen's Compensation Act be amended as necessary to provide clear entitlement for rehabilitative compensation based on the principle of work adjustment per person, subject to exceptional exposure to environmental hazards at work."

I think what he's saying here is similar to what other members in the opposition party have stressed for a number of years, where that risk is the highest, that person should be compensated to the fullest.

It's no good to say, as I think it does in one of your reports, "It is better to have the person living than dead. He should be retired from this particular place of employment and put out to pasture." He should also be compensated for that damage done to his health. That is the obligation of industry and the obligation of the government to see that that person has sufficient income to maintain a standard of living in this province similar to what he was earning in his take-home pay. In a number of cases this does not take place with the Workmen's Compensation Board. The minister is going to have to bring in an accompanying Act to change the workmen's compensation to go along with this present bill.

One can sit and look and say, "What has the government done?" They've had reports, they've had warnings for the last 15 or 20 years and they have not moved until now.

Hon. B. Stephenson: That is not so.

Mr. Haggerty: She says it is not so. Look at the silicosis report on hard rock miners in Ontario. That report was buried in a file some place in the Ministry of Natural Resources. There is all of this information available. The

report of the Ham royal commission definitely spells out that the worker should be the first one to know of the hazardous conditions that are present and the information shouldn't be kept from him. I have had a number of persons call me concerning this report and concerning their past work record in the province of Ontario, and it relates to Elliot Lake. I can tell you I am no physician but the minute I pick up the phone and am talking to such a person, without asking where he has worked, I can say, "Have you worked in the mines in Ontario?" And he says, "Yes." I can tell without x-rays, just by his voice.

There are going to have to be changes in ministry decisions on compensation for silicosis for persons today who have got out of the mines on the advice of a physician telling them they have to find new occupations.

Hon. B. Stephenson: That is not in the bill.

Mr. Haggerty: Oh, she says we are not in order. Perhaps the minister doesn't like to be reminded of this report.

Hon. B. Stephenson: That isn't what I said, Mr. Speaker. I said it is not in the bill.

Mr. Haggerty: I can't quite hear the minister. Perhaps I should go back to what I said about the physicians, that they have told them they have to get out of that particular type of work employment. They have gone out and many have had to suffer over the years. Many of them have gone on welfare. Perhaps there is greater need in the Elliot Lake area and in the mines of northern Ontario, but many of those persons have come down into this area, hoping that they can pick up a light modified job, which is very hard to pick up in the Niagara Peninsula or even in southern Ontario.

There are areas that the minister is going to have to take a look at, instead of going around and saying how good the safety programme is in the province of Ontario. One of the arguments the government side members put up is that it's the best that we have. The best can be improved and this report gives the minister that direction to improve it.

Hon. B. Stephenson: Precisely. Those are exactly what our motives are.

Mr. Haggerty: Why take so long, six or seven years? Surely some members on this side of the House must be getting home to some of the ministers over there. It shouldn't take that long. Is it because the government

is not getting down to the grassroots problems that exist in the province of Ontario, particularly relating to the occupational environment in Ontario? In the seven or eight years that I have sat here I can go back and rehash the things I hope the government will move in that direction to improve, but it takes them so damn long. The minister can think about it, yes.

Hon. B. Stephenson: Is that language permitted in the House?

Mr. Acting Speaker: Perhaps the hon. member would continue speaking on the principle of the bill.

Mr. Haggerty: I shouldn't have used the word "damn."

Mr. Sweeney: Six years of frustration.

Mr. Haggerty: Six years of frustration is right. Think of the position in which the government has put a number of employees in the province of Ontario, a further risk of occupational disease. I can go back again and cite a case where a person in a quarrying operation in the Niagara Peninsula had silicosis but even the best advice of the experts sent him back into that working environment and eventually it speeded up his death.

What I am concerned about is the delay in the government's moving to bring about justice to the employees in Ontario, particularly as it relates to occupational health. It is a serious problem. There are more new chemicals coming on the market and less research done as to what effect they have on a person's health. Time will tell.

It is just the same thing in the United States where they have been trying to get an occupational health bill over there for a number of years. It was industry and government that didn't want it. A big lobby was put on. One saw it here in the province of Ontario in the past.

[3:45]

I will read again the report of the Ontario Mining Association that was placed on my desk on May 28 of last year. It says: "Recognizing that co-operative evolution will make the role and activities of such committees more constructive and permanent than any set of rules composed by legislation" he is talking about joint safety committees of management and labour, and he goes on to recommend that establishment of joint health and safety committees at each mining property be made mandatory. Now it is mandatory.

You couldn't reach them before. Now that is what they are suggesting. That was my comment, that you couldn't reach them before.

In about the six months of debating The Mining Act back in 1970 the opposition party hammered at the government to bring in this type of amendment to The Mining Act. Of 800-and-some clauses in The Mining Act there are about 400-and-some that are permissive legislation, as it relates to occupational safety. Now all of a sudden the Ontario Mining Association says, "We want to jump on the bandwagon."

I'll tell you at that time they didn't want to jump on the bandwagon. And the minister at that time, the Hon. Allan Lawrence, went along with them. He said there was nothing wrong in the mining industry in Ontario, that was one of the safest places to work—

Mr. Ferrier: That was the white knight.

Mr. Haggerty: —well, reports don't indicate that, and I suggest to the government that you should be moving in the direction of more research in occupational health. Better records should be kept.

We could look at the Shaver Clinic, the hospital in St. Catharines, we could open up the records there—I suppose that would open up a can of worms too, wouldn't it, with all the problems of occupational health in the Niagara Peninsula. It is one of the best research places for respiratory diseases in Ontario, I am sure it is. It has a good record.

Hopefully the minister will be moving in the direction of a new Occupational Health Act—we have the safety, let's go for occupational health. That is the next step. That should be the next goal of this government, that employees in industry in Ontario have the safest of places to work without that fear: I may be the next one who will have problems with occupational health.

Mr. Acting Speaker: Order please, I hate to interrupt the hon. member, but will he direct his remarks to the principle of the bill? If he has any constructive suggestions for the government he might use those in a Throne or budget speech.

Mr. Haggerty: Thank you, Mr. Speaker. I have been constructive in this line for the last seven or eight years. All I can say is that I am thankful that the government has finally moved in this direction. It is long overdue, but I am thankful for it. Thank you.

Mr. Duksza: In order to understand the bill presently before the House we must clearly bear in mind what it purports to do, what it does do, and what it ought to do.

It purports to protect the health, safety and well being of employees in the work place. In fact it does not do this. Instead it grants workers a limited and constrained right to refuse unsafe work under certain limited conditions within the context of the master-servant relationship in common law. What it should do is to remove the important and pressing issues of health, safety and well-being of workers from the master-servant relationship, and establish the principle that people have a fundamental right to participate in those decisions which most directly and immediately affect their lives, health and safety in the work place.

A famous folksinger who is well known for support of labour's cause once defined "progressive conservative" as a person who staggers forward when shoved. In this case, I think there is no doubt in anyone's mind that it is the New Democratic Party opposition which is doing the shoving, and the Conservative government which has been doing the staggering.

The present bill is specifically and generally modelled on The Occupational Health Act introduced experimentally by the New Democratic Party government in Saskatchewan in 1972 as subsequently amended. This Act was designed to protect the health, safety and welfare of all persons engaged in occupations in the province.

To this end, it established health and safety committees in every place of employment in the province where more than 10 persons were at work. It created a special occupational health and safety division within the Department of Labour. It established a group of occupational health and safety officers to enforce the provisions of the Act and together with section 68(c) of The Saskatchewan Labour Standards Act granted to workers the absolute right to refuse to engage in work which was unsafe or unhealthy to themselves or to others. The government of this province says it intends, in the bill presently before the House, to promote the health and safety of employees but this bill differs in several important respects, both philosophically and practically, from the Saskatchewan Act upon which it is modelled.

There are really two aspects of interest in this bill. One, it purports to recognize the right of workers to refuse unsafe work; and

two, it seeks to establish safety committees with substantial worker input. However provisional and tentative these two proposals are they nonetheless open up the question of industrial democracy and workers' participation in committees to oversee health and safety on the job. There's no doubt in my mind that workers, more than any other group, have the interest and first-hand knowledge of the dangers present in their work place which are necessary to deal effectively with this issue. The question of industrial democracy and workers' participation is, however, a question about which a number of people have strong opinions.

John W. Eleen, research director of the Ontario Federation of Labour, in an article in the *Toronto Star* on November 13, 1976, page B4, expresses labour's fear that when employers or their friends in government call for workers' control they really mean control of workers. He argues that these proposals should not reflect corporations' interests in co-opting and controlling the work force and government's motives in ensuring industrial order and reducing strikes. By contrast there is a widespread interest on the part of workers and worker organizations in moving toward workers' participation but only where it is not subverted to other ends.

These views are representative of a worldwide movement. Several conferences have been held here in Canada over the past several years on this theme. There is also a well-documented interest in workers' control among trade unionists in Belgium, France and Italy, West Germany and Scandinavia and in socialist countries such as Yugoslavia.

Reactions among trade unionists to this topic turn on at least three points: The scope of the issues to be decided by a workers' committee; two, the relative power compared to management's; and three, the degree of active worker participation in making essential decisions. It is clear that the workers' control movement goes beyond traditional trade unionism but this does not mean that unions must oppose it, *ipso facto*.

For example, deliberations by local plant safety committees are going to open up other potential issues in the management of the company. What is the budget for health and safety? How is the overall budget allocated? To whom are medical or paramedical personnel in the company responsible? Participation on this issue, in other words, has the positive effect of opening up to the committee the full range of company policy on a host of issues: Resources; personnel; the whole

financial picture; the chain of command and responsibility; and technological change.

I believe that the reason some persons of good faith like John Eleen are cautious about the concept of industrial democracy—and feel that the European experiment in industrial relations can only be valid for the Canadian scene when it can be adapted to the adversarial system and not substituted for it—stems from scepticism about management and the present government's intentions regarding workers' participation. In this case, as I will show presently, this scepticism is justified—many of the elements of this bill are not quite as revolutionary as they appear at first.

Implicit in the proposed Employees' Health and Safety Act is the protection of so-called residual management rights. I say so-called residual management rights because we must recognize that labour has a major if not overwhelming role in the productive process. It is inconsistent to speak of the rights of capital without recognizing that labour is a form of capital. Some of the doubts about the idea of workers' participation in industrial democracy can be dispelled when one recognizes that its implementation is essentially a matter of degree. There is, first of all, a form of—

Mr. Reid: On a point of order. You cut my colleague off some time ago for not speaking to the content of the bill. Surely this speech that's being read to us is not really dealing with the principle of the bill.

Mr. Acting Speaker: Would the hon. member continue and direct his comments to the principle of the bill?

Mr. Dukszta: Let me just explain this—

Mr. Reid: Mr. Speaker, on a point of order, could you tell me where my colleague's comments were off base and how these are on?

Mr. Acting Speaker: Perhaps the—

Mr. Reid: Sorry to wake you up, but perhaps you could be consistent.

Mr. Acting Speaker: I would point out to the hon. member that I listened for some little time to the hon. member for Erie (Mr. Haggerty) trying to associate his comments with the principle of the bill. Then I drew it to his attention. I've been listening with some patience to the hon. member for Parkdale (Mr. Dukszta) and I assume that he will soon be returning to the principle of this bill.

Mr. Dukszta: Let me just speak on that point. When I started speaking on the work-

ers' participation it's implicit in a certain provision of the Act which deals with the joint committees of workers and other people in respect of health and safety. I am elaborating on this because I intend to prove that it is, in fact, a fairly phoney issue the way the minister has done it. She is not really introducing it and I have to develop the point more slowly, even if the hon. member for Rainy River (Mr. Reid) doesn't quite follow.

Mr. Acting Speaker: The hon. member will continue.

Mr. Dukszta: There is, first of all, a form of workers' participation in which labour plays a merely consultative role. There is a widespread example in Great Britain.

Now, the second point, before I was interrupted, there is a form in which workers participate in planning and decision-making. This is the meaning of co-determination as practised in West Germany.

Thirdly, there is genuine workers' control. Here workers, through their representatives, have the power to stop or delay management initiatives and to inaugurate measures themselves.

Fourthly, there's self-management. Here the work force is the management; no structural division between the workers and owners or workers and management is found at all.

In considering the provisions of this bill before the House, we must try to establish what the government's intention is. Does the government intend that labour merely plays a consultative role in the system of production? Does it intend to introduce worker participation in planning and decision-making? Or does it intend to lay the basis for more fundamental industrial democracy? Are the key provisions of this bill merely old wine in new bottles or do they move, or at least have the potential to move, beyond it?

The two principal features of the bill, (a) that it establishes, at least under certain circumstances, the right to refuse unsafe work, and, (b) that it proposes to establish safety committees with substantial worker input, are, at first blush, commendable. That those features, however, are interwoven with ambiguous and reactionary ones has become startlingly clear upon the closer examination of the bill. This, in turn, raises serious doubts about whether or not the Conservative government really intends to promote the health and safety of the workers of this province. To understand this fully, one must probe beneath the surface of what is written and look both

at what is omitted and what is obscured to see what, in fact, the Act does not do.

It is clear in detail that the master-servant framework which now forms the legal and philosophical basis for labour law in Ontario is one of the chief impediments to achieving a reasonable standard of industrial health and safety. This comes from the wholly one-sided power relationship which the bill implies and embodies, that a "servant" must do whatsoever the "master" wishes while on the master's business.

The historic relationship has been modified in statute, particularly after the rise of labour unions, to protect workers' interests. But in this province reactionary labour legislation has sought to preserve the master-servant relationship and since every new Act must relate to the existing legal framework, it is by no means clear that the effect of this proposed legislation will be the same as it was and is in Saskatchewan where labour law generally is more enlightened.

[4:00]

Do we really expect the Ministry of Labour to guarantee workers' right to participate in decisions regarding health and safety when it does not even fully guarantee their right to bargain collectively? Do we expect the ministry to enforce the no-reprisals clause in the bill when, both by law and by administrative practice, it countenances hired strike-breakers?

Let us look at the bill itself closely. First, it is poorly drafted. A number of points, especially concerning the definition of the terms used in the Act, its administration and its ultimate responsibility for each provision of the Act, will have to be clarified in committee before this Act can hope to be enforced at all.

Second, it only grants workers a highly conditional right to refuse to do unsafe work. The entire burden for ensuring the safety of the work place rests upon the employees, who must report in some as yet unspecified manner hazardous conditions. Nowhere in the Act is there a general duty placed upon the employer to establish and maintain safe and healthy working conditions. This is, in part, a result of the fact that the thrust of the Act is towards issues of safety and not health. The Act gives the right to workers to refuse to work in unsafe conditions but no authoritative means to ensure that such conditions are identified, controlled and, where possible, eliminated as recommended in the Ham report.

Third, the proposed Act leaves the implementation of its provisions vis-à-vis any work place wholly to the ministry's discretion. This could lead to highly uneven enforcement.

Fourth, the Act ties ministerial hands in the sense that the ministry has no clearly defined power to act where there is no prior complaint. It must now move from crisis to crisis like a horse-and-buggy fire brigade.

How are these crises defined? What is an unsafe condition? What is the prevailing definition of the term "employer" in the Act and what are "managerial functions"? How does the Act apply to the great diversity of work places, particularly to those not defined in The Industrial Safety Act, The Construction Safety Act and The Mining Act? What constitutes "reasonable cause to believe . . . a work place is unsafe" and in what specific manner must the employee report "the circumstances of the matter" to his employer? What is the acceptable process for the selection of a safety representative and members of the joint health and safety committee where no trade union exists in the work place, which is true for the majority of Ontario workers?

All these questions are unanswered in the bill before this House or perhaps deliberately left vague.

Saskatchewan's experience with litigation on similar legislation shows that these are essential points which required clarification for the Act to be at all effective. For instance, the case of the Crown versus Interprovincial Steel Pipe Company shows the necessity for defining such terms as "employer" and "places of work" in schedules laid out within the Act itself, rather than leaving such definitions open to an interpretation based on other, and perhaps inconsistent, definitions from other Acts. The decision in this case also mentions the importance of establishing the statutory duties of the employer. By not specifying the definition for terms used in the Act—"employer," "work place," "unsafe," "safety representative," etc.—the Ontario government runs the risk of interminable and futile litigation of these points.

This sort of thing is not merely a semantic game, particularly where people's well-being is at stake. In the Crown versus Buildall, the court ruled that clear and explicit wording is of the utmost importance in Acts of this kind because, given that they contain a penal statute, they are subject to strict interpretation.

The most significant omission of this kind in the proposed Act is its failure to define

what is dangerous or hazardous in the work place. The government's fear seems to be that the employees will exercise their right to refuse to work frivolously or technically if it spells out what it considers to be hazardous or dangerous. Experience in Saskatchewan has shown that this is not true and that the Saskatchewan Act is not being used as a means of disrupting production. Moreover, the term unsafe usually implies a direct or immediate threat to a worker's well-being. Unhealthy, by contrast, implies an indirect or a long-term threat. The proposed Act does not specify whether or not a worker can refuse to work in an unhealthy situation, for example, in an unheated building, in a dust or irritant-ridden atmosphere, with new chemicals or materials introduced into the work place whose long-term effects are not known.

Many of my constituents are all too painfully familiar with how ambiguity of this kind hurts them in dealing with the Workmen's Compensation Board. They must fight to receive meagre compensation for an illness of disability that has developed over a period of years because of unhealthy but not necessarily unsafe conditions in the work place. In all of these cases, ambiguity in the wording seems to spring from the government's political and philosophical confusion about it. Is it the intention of this Act to restrict the meaning of the hazardous conditions only to those which present a clear and present danger? To do so, would be to fail to recognize the workers' rights to a safe and a healthy work place, rather than a freedom from industrial accidents.

Just what are the specific mechanisms protecting the worker? What is considered an acceptable report of an unsafe condition—a phone call, a verbal statement, a written report? What happens in the event that the employer and/or the inspector or engineer is unavailable at the specific time of the report? What mechanism is there for appealing a decision of an inspector or engineer? Who is ultimately responsible for those decisions? What is the relationship between the joint health and safety committee and the safety representative? In all cases, once a worker has identified an unsafe or unhealthy condition, is he protected against reprisals and discrimination during the complaint and adjudication processes with his employer and/or an inspector or engineer? What, for that matter, would constitute reprisals and discrimination?

None of these points is clearly spelled out in the Act. On its face, the work place is assumed to be safe until proven otherwise.

Surely the statistics on the number of work-related injuries and fatalities would suggest that such an assumption is unjustified. In considering this bill, it is important to recognize that any preventive or proactive steps that might be taken to promote health and safety are severely limited by some of the administrative procedures outlined in it. Let me go over this in point form.

1. Under its provisions an inspector or engineer must be called in by the employer, and hence she or he may be prevented from acting without a specific, crisis-oriented complaint, filed in some unspecified way with the employer.

2. The establishment of a joint health and safety committee in the work place is at the sole discretion of the Minister of Labour, rather than being a mandatory requirement of all work places which meet particular qualifications defined within the Act.

3. There are no provisions which ensure employee control over the selection of committee members and a safety representative.

4. There are no requirements which enable the joint committee to protect and promote the health of the employees in the work place through the use of personnel responsible to the minister for regular medical check-ups and reports, data analysis of illness and accident records, etc.

5. It is unclear how the power of the health and safety committees to obtain information will be guaranteed in practice since the Act places no onus on the employer to comply with committee directives. The only provision in which the employer can be held liable is where he or she contravenes subsections of the Act dealing with protection of employees acting in compliance with the Act from discipline or dismissal, or failure to comply with an order in writing of the minister regarding selection of a safety representative and/or the establishment of a joint health and safety committee.

6. It is unclear who bears the ultimate responsibility for the carrying out of the proposed Act's provisions. The situation will inevitably arise when the worker or the employer will disagree with decisions made by the inspector or engineer. As a result, there is a need for some clear appeal mechanism. Under the proposed Act the inspector or engineer can make final decisions or complaints. In order for the administration of the Act to be successful, the Act should specify that the Minister of Labour is charged with the responsibility for confirming or denying each of the work-refusal decisions. As a re-

sult of administrative practice flowing from this, all decisions on work refusals should be reviewed at the ministry, as is the current practice in Saskatchewan.

7. Finally, the Act does not make clear provision for the training of inspection personnel competent to deal with both health and safety concerns for each general class or type of work place. Simply placing existing inspectors under one administrative roof will not sensitize them to the subtler long-term issues and new aspects of their job.

In summary, under the provisions of this bill the person most endangered by unsafe or unhealthy conditions must take all the initiative for protecting himself or herself from accident or illness. The worker runs all the risk, both possible sickness or injury and potential reprisals, if the complaint is judged frivolous by the employer and/or inspector and the worker cannot prove he was acting correctly within the Act's utterly ambiguous provisions. And who will guard the guardians? The administrative provisions of the Act give workers no real assurance that existing and potential hazards will be eliminated from their work environment.

In the final analysis, it is quite instructive that, unlike the Saskatchewan legislation, there is no provision in this Act to allow employees to refuse to work if a condition exists which threatens the health and safety of other workers. Do we really want to reaffirm the most odious aspect of the master-servant relationship, that a master can force an employee to do things that are dangerous to others?

The extent to which the Conservative government is prepared to go in preserving the archaic master-servant relationship is also clear in how this Act would differentially affect unionized and non-unionized workers. Little attempt is made to see how the labour relations provisions of this Act fit in with other Ontario labour legislation. For union members, it is unclear whether or not a work refusal would constitute a walkout or strike under a collective agreement whose terms include a no-strike clause.

It must also be specified how grievance machinery established under the Ontario Labour Relations Act will relate to work refusals and the work of the joint health and safety committee regarding working conditions.

We must bear in mind, however, that Ontario, because of its antediluvian labour legislation, is a province where unions are the exception, not the rule. Thus, where no

mechanisms for worker organization such as a trade union exist in the work place, the question of who will guard the guardians of occupational health and safety becomes a most serious one.

Within the present wording of the Act, there are no guarantees of democratic process in the selection of safety committee members, free from coercion by an employer. In Ontario, unlike in Saskatchewan where the model for this Act was written, there are no statutory obligations which force the employer to maintain an arm's-length relationship with this process of selecting workers' representatives. And without a labour union, there is no mechanism to provide organizational backup for the safety representatives and the joint health and safety committee.

Without a legal, political and administrative environment which actively promotes the right to employees and which encourages, not discourages, the formation of labour unions, collective bargaining and collective safety in health, we run the risk that legislation, no matter how good it looks on paper, will simply be a cruel hoax. It remains to be seen whether such a rough justice, will be any justice at all.

[4:15]

In conclusion, we have seen the lack of protection in this bill for the individual worker who protests. We have seen the lack of provisions for forcing remedies for unsafe and unhealthy situations. We have seen that it hinges on the whim or pleasure of the minister. In all these respects and others, the bill leaves the protection of workers' health and safety to corporate or governmental agencies.

It is this feature of the bill which accounts for all its defects. We cannot come to grips with health and safety issues without clearly endorsing a definitive shift of power away from the employers, government inspectors, and ministers to the work force itself. We cannot do this without making government responsible to the people whom it represents.

To sum up, this Act appears to view the input of the workers on committees and the safety representatives as mere consultation. Decisions on implementation are left to others, and even then, these responsibilities are left unclear and ambiguous. This is a glaring weakness when we compare the bill before us to what has already been achieved in such countries as West Germany and Scandinavia where there is at least to some extent provision for participation or co-determination. This bill is pitifully weak when

compared with the situation in our sister province to the west.

The present Act can only be made effective if the safety committees, with worker participation, are given authority to actively promote rules and conditions affecting worker health and safety. This would involve, in both principle and practice:

(a) Clear recognition at law of joint committees' rights to function effectively, including access to all budgetary information which bears even indirectly on health and safety;

(b) A clear role for these committees in selecting health and safety personnel, i.e. in the employment of all medical and paramedical personnel; and

(c) An important voice in formulating employment policies which bear on health, such as leaves, medical care, etc.

Moreover, since health and safety issues overlap in practice with all functions and activities in a work place it becomes clear that the role of this committee must be clarified with respect to all other issues of management. This must lead to an involvement of worker representatives in all aspects of work life; it must ultimately lead to a genuine industrial democracy.

It is a great mistake to think of worker participation as achieved solely through the role of a few representatives on a committee, no matter how great the powers of that committee might be. There is a long and sad story, both in western and eastern Europe, of the co-optation of workers' representatives on the part of employers, governments and political parties. Democracy depends on the real participation of each and every person in the matter at hand, through the representatives of his own choosing. This would necessitate regular meetings, at the shop-floor level and on company time, of all the workers in the work place. Here, in public discussion, all issues of health and safety and the issues that then open up can be discussed and tendencies toward bureaucratization and co-optation arrested.

Only through a genuine and full participation by people in those decisions which affect their health and safety and well-being can we truly democratize the work place. Only when all people participate in the central decisions which shape their lives, can we have a truly democratic society.

I don't suppose anyone here will do this except us.

Mr. Acting Speaker: The hon. member for Rainy River.

Mr. Reid: Thank you, Mr. Speaker.

Mr. Lawlor: That's the reason you made the interjection, you want to speak.

Mr. Reid: It's nice to see you back, Patrick. I hope your health has improved; obviously your vocal cords have improved.

Mr. Lawlor: You are an impatient young fellow.

Mr. Acting Speaker: Order please.

Mr. Reid: No doubt you'll have your opportunity to make your contribution. I hope it won't be as fatuous and self-righteous as the rest of your colleagues. But I'm sorry that's something that probably is unavoidable.

Interjections.

Mr. Laughren: Typical Reid speech.

(Mr. Ferrier: Tremendous speech. Are you finished?

Hon. Mr. Bennett: Go ahead, Pat.

Mr. Reid: Mr. Speaker, I rise to support the principle of the Bill 139, An Act respecting Employees Health and Safety. Because the debate has gone on for so long and many of the points have already been covered, I would just like clarification of a few points and to underline some of the matters that have been raised by members in this party and the party to my right particularly relating to the provision in regard to the health and safety committee. The legislation is permissive rather than requiring and it doesn't seem to make any provision for those work places which, in fact, are not unionized.

I would like to indicate to my colleague who just spoke that I presume that the definitions that are in The Labour Relations Act, The Industrial Safety Act, The Mining Act and The Construction Safety Act are the ones we are talking about in the bill. Perhaps if he had taken the time to read the bill, he might have realized that but when one is all tied up in ideology and philosophy one forgets the realities and the facts of the situation.

Mr. Bain: That's coalition government in action.

Mr. Reid: But it raises a particular problem for me and probably for some of my other colleagues in northern Ontario and that is—

Mr. Ferrier: Not many up there, Pat.

Mr. Reid: I am glad to see so many of them are awake for a change. It raises par-

ticular logistic problems of matters relating to inspectors. We have had this conversation before in that when there is a problem in a mill or a mine or a work place, it's often difficult for the unions or the people involved to get an inspector to come down and look at the situation, check it out and make a report. A side effect of that is that often the safety inspectors don't talk to the unions or the people who called them but in fact deal only with management rather than dealing—

Interjection.

Mr. Reid: Well, I realize that but I am talking about things that have gone on in the past and hopefully they won't in the future. The point is, how are you going to guarantee both the unions and the companies that the personnel are going to be available to do the kind of inspections that are going to flow from the provisions particularly of section 2 of the Act? That's one concern.

The other concern is that it seems to me that in a work place it should be mandatory that there be a committee. Again the legislation is only permissive and says "may" rather than "shall." It seems to me that this is obviously one of the most important parts of the social and economic part of the job that we have to deal with.

The other concern I have is that where these things have been voluntary in the past they have not worked in many cases, partly because management hasn't been interested, in some cases because the workers haven't been interested. The unions or the workers in some cases have placed all their concerns on wage rates and so on because that's the thing that they can focus on; that's the thing that gets public attention. Health and safety have not been able to focus public attention on the conditions in the work place. Therefore the health and safety of the workers have been somewhat less in the limelight until the conditions in the asbestos mines and the Ham commission brought things to the fore.

I am concerned therefore about how these committees are going to work. There's provision in the Act that they meet at least four times a year. That may or may not be sufficient. It seems to me that it won't be sufficient. It seems to me there has to be another mechanism, rather than almost what you might call confrontation as envisaged in sections 2 and 3 of the Act, before these matters are looked after. It again comes back to the logistics of the situation. If a paper worker refuses to work near a machine or in the wood room or kraft mill or whatever, by the

time you get an inspector down there, there's going to be a great deal of pressure put on him. It will come from his co-workers, from the unions, from management to work under those conditions until somebody does show up to do the inspection. It is the logistics of the thing that concern me because we had these problems in the past where there was an obvious problem that was brought to the attention of the Minister of Labour.

My colleague from Sarnia spoke briefly about the matter of the number of people who would have to be employed before such a committee was set up. Certainly that is something that can be discussed. But I would urge upon the minister that in fact she make it mandatory—I am sure there will be an amendment flowing from somewhere on this side to that effect—and that we take a figure—perhaps 10 or 20 employees—and that we make it mandatory for these health and safety committees to meet.

There are some other concerns I have that have already been touched on. But I would like to leave the minister with that one thought, that she make the health and safety committees mandatory, and that she set a minimum figure of employees that makes it necessary for such committees to be set up and to function.

Mr. Drea: Mr. Speaker, I rise in support of this bill. Beyond the principles which have already been touched upon by a great many speakers on both sides of the House, in my view it establishes two extremely important precedents. One is that the work place, or the place of employment, whether it be the smallest unit in a locked building operation, or an extremely large, complex and sophisticated establishment, such as a basic steel mill or a smelter, the employee now has a direct voice in not only the safety of the operation but in the direct protection of himself.

Secondly, after many decades the Ministry of Labour is finally getting the kind of authority that I think was originally envisioned when first the federal Ministry of Labour was established, shortly after the turn of the century, and on the provincial labour department in subsequent years. As someone who some years ago did a considerable amount of work, not only in the construction field, but in the industrial field, one of the great difficulties was the fragmentation of authority which inevitably led to the fragmentation of reports, the lack of coordination, and quite frankly, in the final analysis, an almost groping situation in trying

to look for the causes of the hazards that were really within the sphere of the human element to control.

Unfortunately, in the past decade with the sophistication of industrial technology, with the growing awareness in the occupational health field by professionals of hazards that 10 or 15 years ago were thought not to be a hazard, the old system simply does not work. I believe a progressive piece of legislation like this, if it did nothing more than to put the entire responsibility upon the appropriate ministry, would be sufficient reason for the passage of this legislation.

But it goes far beyond that. As I said before, virtually every speaker on this bill has touched upon—some sketchily, some at great length—the three fundamental principles which really are the thrust of this bill. These are: first, the centralization of responsibility in the Ministry of Labour; secondly, the right of the employee to exist in an open and clearly defined area when it comes to his concerns about the safety of his job as well as protecting himself from hazards; finally, the right of the worker to refuse to work when he has reasonable grounds to believe that continuing to work would be injurious to himself.

[4:30]

It is very interesting that in 1963 or 1964—it may interest some of the solicitors in the House—the province of Quebec ruled this through the courts. I have always been surprised that the courts in this province really didn't follow the precedent. At that time there was a mining operation in the province of Quebec that was threatened with a walkout by its white-collar employees. Not its mining employees, its white-collar employees. At that time they took what they thought were some precautions: They stored powder underground. In other words, they put the dynamite underground because they were afraid that the particular white-collar worker who had control of the powder in the operation might very well have withdrawn his services at a future time.

Of course, this caused considerable apprehension among the underground miners. It is a difficult enough situation to go underground and face a great many natural hazards without the company filling up empty chambers underground with dynamite so it would have easy access to powder in the event of a strike on the surface. At that time the courts in Quebec ruled that notwithstanding the collective agreement which had the usual and conforming clause that there was to be no strike

within the duration of the contract, the workers did have an overriding consideration in that situation. You literally could not, under the terms of a collective agreement, force a worker to perform in an unsafe area.

That was a very historic decision in the mining industry of Quebec. As I say, I have always been somewhat surprised it was never extended not only to the mining in this province particularly, but to the industrial or construction spheres.

Nonetheless, with this bill there is a clearly defined area where the right of the worker to protect himself—not just against injury and not just perhaps against the ultimate, loss of life, but to protect himself against a hazard—is established. He does have the right, provided it is reasonable.

I must say I do not really understand the great concern by so many as to what constitutes the definition of “reasonable.” I think “reasonable grounds” means what it says. In virtually every statute in this country, reasonable grounds in one form or another are used. I think what is sufficient for the great body of law in this country, is when it comes down to safety law, “reasonable grounds” or “reasonable cause” will mean exactly what it means in the remainder of the body of law. That is a great step forward for working people.

To those who are in a position of being townhouse observers, or what have you, of the industrial scene, it has always been difficult to understand why a person would continue to work in an area that appeared to be unsafe. There has always been a fundamental reason. People who work generally have tremendous obligations; they have a wife or a family or some dependants to support. They have other financial obligations, and above all they do feel a vested interest in keeping their job.

Mr. Laughren: Would you put that in writing for the minister?

Mr. Drea: For those reasons, in a great many cases, faced with the right to withdraw labour or to refuse to continue because of a hazard, the person just shrugged his shoulders, hoped that something would be done and crossed his fingers that nothing would happen.

Mr. Davidson: Are you suggesting the company fire them?

Mr. Drea: With the passage of this legislation those days are gone.

Mr. Speaker, in terms of safety, which is really saving lives or saving people from seri-

ous injury, another benefit that would appear not to be important, but I think is a tremendous step forward, is that now the employee must have access to the information. All of us in this House, or those of us who have been associated with the labour movement or with working people, can recall the days when the company was told the safety inspector was coming, and what hour he was coming.

Invariably that meant a couple of labourers got a little bit of work 20 minutes beforehand—the place was cleaned, it was swept, it was magnificent. The inspector came in and couldn't understand what all the fuss was about and left. Besides, he never even filed a report—he filed the report with the minister and the worker never received it.

There was an argument at that time—I never could understand the argument but it was argued that it disrupted production less if the company knew when the safety inspector was coming, that they could schedule the work around his visit.

Well, those days have been gone for some time, and thankfully now we have moved a step further. The worker does have the right, without loss of pay, not only to accompany the inspector, but to participate in the inspection because he has to be told publicly, in writing what the results of the inspection were.

No longer is it that the inspector has been here, he's nodded his head, he's gone through the quasi-medical jargon of a few hrrmphs and um-hmms, and marked something down on a piece of paper, and somehow it has gone into the maw at the Ministry of Labour. Now it is the subject of a public report that must be put on the bulletin board.

Furthermore, employees now have access to information concerning the occupational accidents and hazards in their industry. They don't have to have their union fight for it—not that their union isn't capable of getting it—for this type of information will be provided. And it won't be only a matter of informing working people what has been going on in the health and accident area of the industry; it may very well be that upon reading those reports working people may be able to contribute a great deal toward future reports—because there may be a great number of things that have been overlooked, or not considered as significant as they should have been.

The question of the mandatory health and safety committee has been raised on numerous occasions during this debate—somehow the

magic number of 10 has been appearing. I would suggest that in large metropolitan areas there is a vast number of employers who have less than 10 employees. Remarkably, many of them use very powerful machines, and I am suggesting that making it mandatory but stopping at 10 is not really doing much of a favour to many of the people who need it most—

Mr. Lewis: Bring it down below that.

Mr. Drea: —because the truth of the matter is that it is extremely difficult, for a number of reasons and some of them their own fault, for trade unions to organize a very small place of under 10. These are the people I would feel need the protection of this Act the most.

The other difficulty in establishing a mandatory committee is when you get down to a small shop. As a matter of fact, there are a couple of small shops out in the east end that probably have the most grisly accident statistics. I think one of them has four or five people. In that particular one, the hands and fingers of the apprentices in that metal-working shop are in danger. You don't last very long in there because there is virtually an amputation by accident once a year. What good would it do to have a mandatory health and safety committee in a place like that where there are two or three employees and an owner who functions not only as an owner and a manager but as a foreman and a supervisor?

Just making a health and safety committee mandatory or making it that it has to be established, I suggest to you, doesn't get to the root of the problem. I think the failure over the years of the Workmen's Compensation Board, the Accident Prevention Association, and a great many of the labour-management committees is that where there was no real clout—in other words, the health and safety committee of an industrial union. The committee was much more semblance than activity. It was a health and safety committee virtually in name only.

I think the failing over the years of the Industrial Accident Prevention Association is that it spent about 90 per cent of its time on lectures and about two or three per cent of its time on inspections and the other seven or eight per cent writing annual reports that were published in four-colour publications.

I think the approach that the minister has taken concerning the health and safety committees is a practical one. It is one that will

work in the largest, most sophisticated, technologically advanced and unfortunately sometimes quite hazardous industries as well as in the very small type of shop that is backward technologically. I think it is the only real answer at this time to the wide divergence within industrial society. Furthermore, I think it is a practical answer in the field of the small shop where the Minister of Labour really is the business agent because these people never will be organized into a trade union. I shouldn't say never; almost never.

Mr. Swart: Not with your government.

Mr. Drea: I don't care what government it is. Don't you give me that. Come on. It's as difficult to organize a place with three or four people in Regina, Saskatchewan, as it is in Toronto, Ontario. I suggest it's probably more difficult in Regina for exactly the same circumstances I have outlined.

The Minister of Labour, in a non-unionized establishment, is the union.

Mr. Laughren: That is what bothers us.

Mr. Drea: The Minister of Labour, already under existing statutes—

Mr. Germa: That's what we worry about.

Mr. Drea: The Minister of Labour under existing statutes, already is the one who ensures that there are vacations with pay—

Interjections.

Mr. Drea: —who ensures that The Employment Standards Act is carried out, who ensures that the holidays are carried out, who ensures the entire scope of The Employment Standards Act, which in no way, shape or form is meant to meet the standards set by industrial trade unions in this province. She already has that authority under the Act.

[4:45]

When we come to safety, she is once again assuming that responsibility and I suggest it is compatible because it doesn't say in this Act that health and safety committees shall not be mandatory.

It recommends most highly that they be there. If they are, it provides certain guidelines, certain procedures under which they operate. If there isn't one in a particular plant, then with the additional information and the data that is going to be retrieved under the new system, if it turns out that that place is not exactly safe, then the minister makes the health and safety committee—

the joint labour-management committee—mandatory in that particular establishment.

It's a very simple and a very blunt thrust. Either you get together with your employees and you run a decent place in terms of health and safety or the government is going to come knocking on the door to hand you a piece of paper, and tell you since you wouldn't do it the easy way you are now going to do it the hard way. There is going to be a mandatory committee set up and there's going to be an inspector from the labour department standing around to make sure that that committee functions.

Mr. Laughren: Why wait? Do it now.

Mr. Drea: I would suggest making a health and safety committee mandatory in the bulk of industry in this province would be superfluous and redundant. Show me a major or even a minor plant where there is a collective agreement by an industrial union where there is not this type of committee. Show me one.

Interjections.

Mr. Drea: The difficulty on the other side is that in a small plant there will never be this thrust for the benefits of trade unionism; there can't be. And it is not because the people don't want it. It is because the geography of their particular industry, or the size or something beyond their control, makes it virtually impossible for them to enjoy it. Under this legislation the Ministry of Labour assumes the blunt thrust that the trade union plays in the larger and the more sophisticated and technologically advanced industries.

In summary, there are two real thrusts to this legislation. It opens, in a most open fashion, the door to greater participation by the employee in the thing that really concerns him the most, and that is safety. Secondly, the responsibility is now four-square upon the Ministry of Labour. It is no longer fragmented. The responsibility is there. The responsibility is with the Ministry of Labour not alone, but to oversee management and labour in this field. I remind you once again that in a great many cases the Ministry of Labour has to function as the trade union. They can identify; they can control; and they can, in the words of the minister, eliminate as much as possible the hazards to health in the work place.

Surely this has been the goal of government after government in this province since at the turn of the century Sir William Meredith was commissioned to look into industrial safety and out of that came The Workmen's Compensation Act. As a matter of fact it

might be well, in conclusion, to hearken to the words of Sir William Meredith. One of the fundamental decisions he made at the turn of the century was that safety really is of paramount importance to only one person—the person, where there is a lack of it, who is going to suffer substantial, grievous or painful injury or even the loss of life.

That is why, from the very beginning of modern industry in this province, the thrust has been upon government to ensure that the work place, whether it be a construction site, a mine or in industry, is as safe as possible for the people who work there.

I feel the bill continues in the most progressive spirit of that earlier time. I am confident the bill will achieve as much in the alleviation of human suffering and human misery as did the original Workmen's Compensation Act over so many decades, and as such I would hope that the entire House would support this piece of progressive legislation by the Ministry of Labour.

Mr. Lewis: Mr. Speaker, it would appear that the entire House will support the minister's bill on second reading and give it support in principle. God knows, many members in this House, certainly those in the New Democratic Party, have been struggling for some time to achieve legislative implementation of some of the matters which the bill contains.

While we have profound reservations about the way in which it may be administered, and while we feel unhappy about some of the obvious omissions in the bill, we will certainly support the principles as delineated initially by my colleague from Nickel Belt and expanded upon by others in the New Democratic Party who spoke subsequent to his lead-off.

I would like to come to the bill in a slightly different way, by a kind of expression in a personal sense of what many of us have felt in the NDP as we followed this vexing issue of occupational health over the last three or four years.

If I may do it in a somewhat itemized fashion, I would like to point out to the minister that the litany of occupational disasters that flow from the introduction of chemicals into the work place and from exposure to hazardous substances in the mines—that litany seems to know no end. Every day, every week, every month that members of this Legislature, scientists and journalists pick up learned publications, investigate reports and analyse assessments of various Workmen's Compensation Boards, it becomes more and

more clear that we have launched on an extraordinary self-destructive course of introducing carcinogens into the work place.

I don't know how you call an end to that. I don't know what we do about this fixated, technological society, which forever places the productive process ahead of the safety, health and often life of its workers. There's something compulsive about it. There's something obsessive about it. We all know, in dramatic and feeling terms—and the minister has documented some of it—what the consequences of the hazardous contaminants have meant to people. But even though the evidence piles in on us like a torrent, we are never able to turn the tide. We always seem to come in after the event to introduce safety precautions to reduce the emissions rather than removing the chemicals from the work place entirely or preventing their introduction from the outset.

This legislation, therefore, while it is important legislation and appreciated by members of the House, is wanting because it is invariably after-the-effect legislation. It deals with the dangers which will become explicit. It does not yet eliminate the dangers themselves. And the dangers kind of engulf us in this endless proliferation of data and evidence. It has been drawn to public attention, for example, in just the last few days that the emission of fibreglass particles, formerly a substance about which we had little concern, is now shown to cause mesothelioma in a particular group of animals under laboratory testing. It is not yet in workers, thank God, but that's largely because the use of the small fibres of fibreglass have not been in the work place long enough. The latency period is not yet long enough for us to know the consequences to individual workers or groups of workers. There is now scientific data available that shows that the small fibreglass is in fact leading to mesothelioma, one of the rarest forms of cancer, and a cancer which seems to be only induced from exposure to asbestos thus far in the work place.

Hon. B. Stephenson: No.

Mr. Lewis: Perhaps the minister can show us other sources of mesothelioma as she is a medical practitioner. She probably knows my experience of mesothelioma is only in the presence of asbestos.

It has been revealed recently—and this too is just flabbergasting—that the asbestos in brake linings, if discharged into the environment, can cause cancer. There is now a case in the state of Connecticut of a tollgate operator who suffered from cancer as a result of

the asbestos emissions from the brake linings in cars that screech to a halt at the tollgate to deposit the coins. It is bizarre, yes, but terrifying as well. That kind of proliferation of peculiar, but very real, cases that raise questions about occupational hazards seems to be growing.

Senator Hubert Humphrey recently had his bladder removed as a result of cancer of the bladder. When I visited Irving Selikoff in January of this year with one of my research colleagues, he told us that he had been the man who had identified, who had diagnosed the senator's cancer. The cancer of the bladder in the case of Hubert Humphrey relates to his occupation as a druggist and the occupational exposure he had to certain drugs, I gather benzedrine being one of them. The minister nods her head. Again she would know far more about it than I do, but it is naturally a terrifying business to realize what we have unleashed in the manifold work place that we call society and its appurtenances.

In Ontario we now learn—and again it's a matter of some shock—that people called tapers, who are essentially plasterers who use a tape which has asbestos in it, working in the construction industry are susceptible to cancer as well even though the asbestos content of the tape is only 10 to 12 per cent.

There was a fascinating case, as yet I believe not dealt with in the public arena, in the province of Ontario which was debated at the Workmen's Compensation Board in 1973 and 1974 over the question of a taper in this province and whether or not he had suffered cancer as a result of the simple exposure to a very small quantum of asbestos in the tape which he used in the plastering industry. The board, as is its wont, if you will forgive me putting it that way, categorically denied the claim on the basis that evidence was not available.

[5:00]

My former colleague from High Park in the Legislature, Dr. Morton Shulman, appealed that claim. In October, 1975, having provided himself in conjunction with the worker and the union with a weight of evidence which the board did not itself seek, the case became compensable. For the first time in any jurisdiction in Canada that I know of a taper, that is a plasterer who works with tape with an asbestos content, was granted compensation for occupationally-related cancer. Now I learn that there is a second case before the board being adjudicated, at this very moment as the debate takes place, which looks as though it will lead to compensation

as well in exactly the same area. What does this presage for those vast numbers of workers in the construction industry who in one area or another have been working with products which have asbestos components or compounds?

We always thought that cement dust was an entirely safe business just as we assumed that fibreglass was a safe substance. Now we learn to our astonishment that there is an apparently definitive study out of Yugoslavia showing that cement dust causes bronchitis and emphysema in very serious proportions and was never thought to have these occupational implications before.

I learned recently, and raised it in the House, of the findings in the United Kingdom over the use in the work place of toluene diisocyanates, TDI. TDI is a chemical that is used very widely, including in the province of Ontario. I can remember, meeting not so many months ago with a significant number of rubber workers in Kitchener who talked quite openly and anxiously about the sensitizing of features—particularly breathing and nasal areas and coughing and spitting—that came from exposure to TDI. I gather that TDI is often used in the rubber and chemical and plastic industry. Now we have evidence in the United Kingdom from the government's health and safety executive that TDI should have been declared more dangerous than polyvinyl chloride which has been identified as the cause of cancer in certain people working with it.

"We are very worried by TDI," the spokesman said. "It doesn't take precedence over asbestos but it should have taken precedence over vinyl chloride." They record a death of an acute bronchial spasm due to bronchial asthma, TDI-related and induced. They come to the conclusion, and I quote from the article: "That the TDI safety limit of 0.02 parts per million in the air offers no protection to susceptible people and may be at least 20 times too high."

In yet another case a hospital team in the area of Brompton is looking at the consequences of sensitizing due to TDI and the occupational diseases which flow from that. It's a pretty frightening business when one realizes that TDI is a relatively common chemical about which we are only now amassing information. I simply say it's one of the most depressing fields you can deal with, I think, because wherever we turn, whatever document we read, whatever we investigate, we find that technologically obsessed man has managed to induce into the work place yet further chemicals without first testing their consequences and their toxic effects.

Then, 20 years later, we begin to count the bodies.

If you raise those kinds of questions everybody gets very anxious about it and wonders whether there isn't irresponsibility attached to it. I can remember raising in the Legislature some time ago what would be happening in the petrochemical industry in the Sarnia area when it gets into full operation. All of that immense variety of chemicals, some of whose compound effect we know nothing, what will happen after that is introduced 10, 15, 20 years from now. The mere raising of the alarm brought calumny on the heads of all of us for causing public anxiety.

But I don't think any of us should be deterred by that. I think the evidence is so tough, the documentation is so real, the scientific community is so learned, that no piece of legislation can be strong enough to protect the worker above ground and below ground from the dangerous contaminants to which they are exposed.

If I may, not willing to engage in a bitter kind of adversarial position, I would like to return to the questions which were raised with the minister in question period today by my colleague from Nickel Belt in his pursuit of the very, very sad case of Aimé Bertrand.

I raise it now because it flows logically, I think, from the litany of diseases which we are inheriting and documenting, and because it speaks volumes about the failure of government and of the Workmen's Compensation Board to react to clear and compelling evidence. Indeed, it speaks volumes about the failure of the government and the board to react to clear requests for reaction. The minister, even though she is as partisan as I am objective, would surely recognize that all of the feelings of the government over there shouldn't inhibit—shouldn't prohibit—a more reasonable approach to these matters.

Aimé Bertrand, miner in Sudbury, 52 years old, has been exposed for 30 years to silica dust, to exhaust fumes, to asbestos, to cadmium, to sulphur dioxide, to a range of chemicals which is probably not available for recitation by many members in this House.

Hon. B. Stephenson: And to coal tar, nicotine.

Mr. Lewis: Coal tar, nicotine, everything. That is right. Cigarette smoking as well. When Aimé Bertrand, aged 52, after 30 years of exposure to this horrendous list of contaminants, comes before the Workmen's Compensation Board with a case of laryngeal cancer, the board turns him down. When representations are made upon his behalf, one

after the other, the board continues to turn him down. There is something about that that is so aggravating, so offensive in the behaviour of the board, that it can hardly be dealt with here in a dispassionate way.

I want to remind the Legislature of something. In April, 1975, Dr. Ritchie, chief pathologist for the medical school of the University of Toronto, dealt with this whole business of asbestos and related diseases. In April, 1975, he filed a preliminary report about the various diseases, giving his responses to his findings. This is what he said:

"At this time the evidence seems insufficient to justify compensation for an asbestos worker who develops carcinoma of the stomach, colon or larynx. However, evidence in this matter is accumulating and each case should be evaluated in the light of the evidence as it develops."

He goes on and makes another point: "Studies could also be initiated to determine if there is a real association between exposure to asbestos and carcinoma of the larynx. In Ontario a high proportion of carcinoma of the larynx are treated at the Princess Margaret Hospital, and most of the rest must be treated at other radiation centres, so that conditions make a study easy. Those treated surgically could probably be traced by the ENT surgical group, but even if not, most cases do come to radiotherapy. A perspective or retrospective study could easily be mounted, and could well determine the reality of the suggested association and its strength."

Can I summarize for the minister, lest she be distracted by other pertinent materials. Here is Dr. Ritchie, in April, 1975, saying that there was accumulating evidence between asbestos and cancer of the larynx, and that studies should be mounted to determine whether or not the link was occupationally provable. Here is Dr. Ritchie, in a report submitted to the Workmen's Compensation Board and to the government, going so far as to suggest the methodology that might be used and the circumstances that might be found within which a study could, to quote him, "easily be mounted." That's in April, 1975.

Can I ask the minister something? What happens to them? What are they—pieces of scientific gobbledegook to be filed away somewhere? Does the Workmen's Compensation Board, in its majesty, read it and toss it into the waste basket? Does the Ministry of Health accept it and file it as arcane scientific data?

Hon. B. Stephenson: I think even you know better than that.

Mr. Lewis: Well, I'll tell you, I don't know better than that, because I want to reveal something to you. From April, 1975, to November, 1976, no such study as that suggested by Dr. Ritchie has been initiated by the Workmen's Compensation Board.

Mr. Warner: They don't care.

Mr. Lewis: Do you know of such a study? Because this afternoon the board didn't know of such a study.

Hon. B. Stephenson: It's not at the board.

Mr. Lewis: If not at the board, where else? Where else is the study?

Hon. B. Stephenson: I believe there is one being done at the University of Toronto.

Mr. Lewis: The minister believes there is one being done. Well, I am glad the minister believes there is one being done, but I want to say it is quite a commentary on the feeling of urgency which is associated with the board and with the government, if I may say earnestly, that the minister has this kind of request. It's very rare one gets a document that says: "We can't yet establish it, but the evidence is building; here is a possible study, please go out and do it." And nobody does anything about it.

Does she call that socially responsible? Morally responsible? Does she call that working in defence of the injured workmen?

Then in April, 1976, Dr. Ritchie puts forward his second report. A year later he says, and I quote: "The best conclusion at this time is that the reality of the association between exposure to asbestos and carcinoma of the larynx remains to be established, though there is strong reason to investigate this possibility further." That was April, of 1976.

It's now November, 1976. Can the minister tell me what happens to these reports? Does nobody in the board treat them seriously? Does nobody in the ministry regard it as a matter of urgency?

Precisely the irony of it, the bitter irony of it, is that exactly at the moment when the board is receiving Dr. Ritchie's report on cancer of the larynx related to asbestos, and exactly at the moment when the board is being asked by Dr. Ritchie to perform further study, the board is refusing to accept Aimé Bertrand's claim. That is ironic and bitter hypocrisy. How can the minister reject the claim if she has launched the study which her own people have requested?

What is even more peculiar about it, and really distressing about it, is that the board

has a study. The board has the Morgan study. And I want to say to the minister opposite—with the greatest respect I can muster, because she has medical authority and I have no knowledge in that field at all—that she does not make her case by debunking and depreciating the work of Robert Morgan's study.

I want to draw to the attention of the minister that there is a British study of 1973 which draws a direct relationship between cancer of the larynx and asbestos. I want to draw to the minister's attention that there is now a study in the United States which makes a direct relationship between cancer of the larynx and asbestos. I want to draw to the minister's attention that Dr. Robert Morgan conducted his study under the tutelage of Irving Selikoff. Selikoff was his mentor in the study conducted here. It does not sit well with that government to accept Selikoff as the authority for stomach cancer compensation, but dismiss him when it is useful to the government on the question of laryngeal compensation. It is just too inconsistent and unacceptable.

I must say that I thought one of the shabbiest moments in medical science, as I have been familiar with it, was the way in which some members of the scientific fraternity moved in on the Morgan study, subsequently published in the annals of the Academy of Medicine, which annals do not accept trivial or frivolous studies, when the profession decided that they'd found something wrong with some of Morgan's methodology.

[5:15]

All that Morgan showed was that a considerable percentage of those who had laryngeal cancer in a particular grouping at the Toronto General Hospital had had asbestos exposure. A percentage so high that it would be absurd for anyone to suggest that there wasn't some kind of link. And, do you know, 23 per cent relationship to asbestos exposure; that's almost supernatural. If there is no scientific validity drawn from that, then you ask us to believe in myths; 23 per cent asbestos-related and you say that there's no cause and effect.

May I say that what's going to happen, and we all know it, is that Robert Morgan, as a doctor, is going to be vindicated three months hence, six months hence, when the Selikoff study becomes public. He's going to be absolutely vindicated. There will no question in the world.

Hon. B. Stephenson: Is Dr. Selikoff going to publish his study for a change?

Mr. Lewis: Yes, he is, and he has already said that he would be happy to share it with the Workmen's Compensation Board of Ontario. Had they looked at his study of stomach cancer in 1965 we might not have waited 10 years or 11 years before the compensation was finally granted.

Hon. B. Stephenson: I doubt that.

Mr. Lewis: The minister doubts it? She doubts it because, you see, with great respect, Mr. Speaker, the board has a congenital inability to give the benefit of the doubt to the injured workman.

Mr. Cassidy: That's right.

Mr. Lewis: Can I quote the minister something about that? Can I show her how effectively the case can be made?

Hon. B. Stephenson: Could we get to the principle of this bill?

Mr. Lewis: In an article in the *Globe and Mail* in early September, when the case of Aimé Bertrand was discussed and the matter of laryngeal cancer was discussed, Dr. McCracken, the medical director of the board, said that the Workmen's Compensation Board is willing to accept larynx cancer and asbestos as an industrial disease if a well-documented report provides sufficient proof. He feels existing documentation is not strong enough, "but every day that goes by where documentation does not come forth, the case for larynx cancer gets weaker." That's a sick quote. I want you to know that I feel very badly using those words.

This is a man who receives reports from Dr. Ritchie requesting that studies be made on the relationship between asbestos and laryngeal cancer, does not undertake them, nothing happens with the recommendations, it all lies idle for a year-and-a-half and then, as a method of excluding the claim, he says the studies don't exist and because they don't exist the case grows weaker. That's really perverse, you know. That really debases the quality of scientific truth and application. That's not the way we should be dealing; that's what I'm appealing for. That's what we in the New Democratic Party are saying to the minister.

Hon. B. Stephenson: I thought we were debating this bill.

Mr. Lewis: We are debating this bill, and this bill has to do with occupational health

and I couldn't possibly be speaking more centrally to it. The problem with the government and the Workmen's Compensation Board is the rigidity, the inflexibility, the reluctance to find for the workmen, the willingness to make them jump through every hoop to make them prove their own case.

Mr. Laughren: They call it benefit of the doubt.

Mr. Lewis: Yes, the government has the effrontery, or the board has the effrontery, to call it the benefit of the doubt. I appreciate we have a different view of the Workmen's Compensation Board than they have of themselves, and the government has of them. Really, as a person who brings some scientific balance to this subject, can the minister justify—is there any way in the world of justifying—a report from Ritchie in April of 1975 requesting further studies, and no action as of November 1976? At the same time, the board is dealing with a case which would be affected by the studies. And then Dr. McCracken makes that kind of statement. It really rattles us. It's not civilized; it's not decent, human behaviour; and it has to end, because this whole business of occupational health just mounts and mounts. Somehow the responses have to be strong and forthright, not passive and rejecting; and that tends to be much of the atmosphere.

In speaking to this issue, all I can say to the minister by way of counterpoint is to remind her of what's happened with stomach cancer. We've been through this mill. We've gone through the minister's assertions in the House that there was no scientific evidence. We've gone through the board's delays while Dr. Ritchie looked at the material. We finally struck up a separate epidemiological study of the worth of Selikoff, involving someone from the cancer institute, I think it was. Finally we recognized what logic and common sense would bring one to recognize, that asbestos-related cancer of the stomach is a compensable disease.

All I'm saying to the minister is that that is the same for laryngeal cancer and it should be granted in November, 1976, with willingness, sensitivity and compassion rather than in November, 1977, after we've had some kind of confrontation about it. That's not the way it should work. The board should be given all the encouragement that the minister can possibly give them, not just to undertake studies in this field but when they get these individual isolated examples of the Aimé Bertrands, for God's sake capitulate. Why do we have to fight with these individ-

ual workers? Here's a man who has been exposed for 30 years to those contaminants, even albeit he smoked; surely the board can err on the side of the injured workman, particularly when it itself is culpable of not pursuing the evidence which would make a compensation award possible.

That brings us to another focus of the bill, the question of whether or not the bill will work effectively and how these things have come to public attention in a way that results in the bill. I have made a couple of notes.

The minister will have to forgive the intensity of some of the positions we take, because prior to her entry to the Legislature we had to deal with situations which were very frustrating and aggravating. The minister wasn't here when the Elliot Lake saga emerged, and I don't know whether she realizes to this day that compensation in the case of Elliot Lake occurred as a result of two elements: One was the single most heroic compensation battle ever fought in this province, that by a man named by Gus Fröbel from Elliot Lake, who won a lung cancer claim himself, no thanks to the board.

The other was that Wheeler and Muller of the board did a statistical documentation of the pattern of cases in Elliot Lake. And where did they deliver it? As my colleague from Nickel Belt pointed out, they delivered it in Europe. We would never have heard of it in the province of Ontario had we not stumbled upon it. This was evidence which not only showed a pattern of the catastrophe that was to follow for that community, but also demonstrated that we should be thinking seriously about the levels of compensation and the numbers we would have to compensate.

Elliot Lake turned out to be the worst disaster of its kind in the western world.

Interjection.

Mr. Lewis: That's right, and that is directly from Selikoff and the other scientists. Nowhere else has there been the onset of so much lung cancer with such a short latency period as in the Elliot Lake condition. Nowhere else.

Hon. B. Stephenson: But that doesn't necessarily constitute a disaster.

Mr. Lewis: Well, there is nothing more disastrous anywhere than what happened in the community of Elliot Lake and which we're still dealing with. But surely the minister can understand our aggravation and our

anxiety about it when that reality had to emerge (a) through the epic struggle of an injured workman and (b) through the tabling of a scientific paper in Europe, which wasn't shared with the community here, with the workers affected or with anybody else.

Let me remind the minister of asbestos. The patterns which were emerging at the Workmen's Compensation Board for asbestos were not shared, except when they were sought. The pattern at Johns-Manville in Scarborough were quite overwhelming when they emerged, but we had to fight for them; and ultimately the union itself had to make them public because for whatever reason, the Ministry of Health, the Ministry of Labour and the Workmen's Compensation Board did not see it within its province to share with the public generally its own compensable findings.

After one looks at Johns-Manville, thinking of the Reeves mine is enough to cause one nightmares. I don't know where those workers are; I don't know where they're scattered. There were levels as high as 225 fibres per cubic centimetre in certain areas of that mine in which workers had been working for months on end, some of them for eight years before they closed it down.

Mr. Laughren: The Minister of Natural Resources (Mr. Bernier) looked the other way.

Mr. Lewis: Can you imagine what will emerge seven to 12 years from now from among that group of workers?

In Matachewan—look at the struggle we had to have around Matachewan even when everybody in this province, and certainly those still in this field, recognized the consequences of that kind of asbestos exposure. So the minister has at least to appreciate or understand, even if she does not approve of, the reasons for our inveterate scepticism. The government has failed and the board has failed. And the consequences have been catastrophic. If the minister is now moving to close that off, she'll have our support every step of the way.

I've already chronicled and we've already chronicled, in the case of laryngeal cancer alone, that it's still a bitter fight every step of the way. It still doesn't happen voluntarily, willingly or urgently. At Elliot Lake it is uranium; at Johns-Manville, Reeves and Matachewan, asbestos. Let me remind the minister about coke ovens.

For years, as my colleague from Hamilton East (Mr. Mackenzie) can tell her, the steel-

workers in Ontario have been raising alarms about exposure to the coke ovens. For years it has all been depreciated as of no consequence. Then suddenly in April, 1974, the widow of David Smith, a coke oven worker at Algoma Steel, Sault Ste. Marie, gets full compensation for the death of her husband by lung cancer, occupationally-related.

Suddenly through all the years that we were telling the workers there were no worries, the threshold limit values were all right and they shouldn't be unduly alarmed, the likelihood emerges that in all of those years the appeasing sentiments were misplaced and that all of the questions the workers themselves raised and the scientific community was documenting were valid. Then, finally, in 1975 we get our own coke oven study through the Ontario Research Foundation. What does it show? It shows that in Algoma, in Stelco and in Dofasco the levels of emission from the coke ovens exceed the threshold limit value in case after case, some of it five, 10, 15, 25 or greater, and are higher than the exposures to which the workers should themselves be exposed. And what's happened?

Hopefully, they're wearing masks. Hopefully, there are technological improvements. But the minister must know, as we know, that the exposure to those hazardous contaminants continues with our knowledge to this day, and it continues at levels which may ultimately cause sickness and even death. I want to point out to the minister that when this question of coke ovens was discussed with the Mount Sinai school of medicine, they pointed out that it may not be benzene and some of the other components at all, that every coke oven door has asbestos in its lining and that when you've got this kind of lung cancer tissue scarring, it may indeed be asbestos. It's time that we started looking at that as a component of the consequences to exposure from coke ovens.

[5:30]

What we're saying very clearly is that in every single major case, even in the last three or four years, we've had to struggle with an unnecessary intensity and an involuntary abrasiveness over the question of getting decent occupational health legislation in this province. Now we've gone a step toward it—an important step and therefore we will support it—but it is surely important to emphasize how the battle continues.

I want to suggest very strongly to the minister, through the Speaker, that some-

thing has to change at that Workmen's Compensation Board. I don't know what it is, exactly—I don't know how it happens. I had hoped that with the appointment of Michael Starr things would change, and I think probably the atmosphere did. The atmosphere changed from military to civilian rule. That's really the shift that occurred at the board from the days of the colonel and the high tables in the dining room to the days of the more egalitarian accessibility of Michael Starr. But the ethos of the board didn't change; the dynamic of the board didn't change; the view of the board didn't change.

That board cannot make the kinds of statements Dr. McCracken makes. That should not be the role of the board. The board isn't a workman's adversary. The board is a workman's protagonist. The board's definition has to become completely reconstructed. The board, when it sees patterns of disease, when it sees problems, when it receives through this bill or anywhere else the consequences of occupational disease, it has to get out there and talk about it.

Does the minister know that in the last 12 days there have been three deaths of workers who worked at the Johns-Manville plant in Scarborough—all of them from cancer? That's really a bit much. I understand what has happened in the latency period. I understand what has happened in the intervening 15 or 20 years. The first was a week ago Friday. The last was this Monday. There was one in between. Two of them are now, I think, being compensated. The third will be before the board. All of them long-time Johns-Manville workers. Can I say something about that? Because it really bothers me.

If I was chairman of the Workmen's Compensation Board and there had been three deaths registered from cancer in a period of 12 days, even 15 or 20 years later, I would say something about it. I would think the board might say something about it. I would think the board might write some of the workers who worked at the Reeves mine or that it might meet with the workers in Matachewan or issue some kind of statement publicly, in Ontario, and say "these are the consequences of conditions inadequately secured. We want people to know therefore that the kinds of things everyone is fighting for must be achieved. We are sounding the alarm bells because we are weary of dealing with these wretched compensable cases." But the board says nothing.

Mr. Acting Speaker: Order, please. Rather than continue debating the role of the Workmen's Compensation Board, would the hon. member return to the principle of the bill?

Mr. Lewis: You interrupted me at exactly the appropriate moment, Mr. Speaker, because I had finished what I wanted to say about the board. I believe that the board is tied to this bill very directly. Although I don't hold an animus towards the board, its role is a peculiar one and a confusing one, and somehow it has to be given a broader mandate. It just should not be operating as it's operating.

We will support the bill but we are going to fight very hard to have the clause made mandatory which requires a safety committee in the work place. If the member for Scarborough Centre (Mr. Drea) is concerned that there are too many work places with fewer than 10 employees, we will be glad to reduce our amendment to five employees or three employees or two employees—whatever the government finds acceptable, so long as it is mandatory.

We are not fundamentalists. We don't grab the figure 10 out of the air and hold on to it like holy writ. You want it to be eight, five, three or two or in every work place in Ontario? We'll buy it. So long as it is mandatory—so long as the workers have that protection.

We also think that somehow, either in this or in another bill, there must be mandatory testing of the chemicals which are introduced into the work place. There just must be—because the pattern that I opened with cannot be allowed to go on—whether this government does it in conjunction with the federal government or whether it launches it itself. I understand its cost, but the government has \$50 million from the lottery to be spent on scientific research related to occupational health and I wouldn't have thought it wrong to use some of those millions for the testing of potentially carcinogenic contaminants. That too must be done in Ontario or we will forever be raising it with the minister at question period and she will forever be responding in a human and professional way to the kinds of things which present themselves in her ministry time and again by way of environmental and industrial disease.

We think as well that there has to be in the bill some kind of central data collection so that workers can have access to—and if they say so, their unions and their doctors can have access to—a pattern of exposure

rather than fragmented and isolated exposure. There must also somehow be in the bill a provision which makes real the change of threshold limit values from guidelines to standards. What good is a standard if it's no more enforceable than a guideline? And I have yet to see—we have yet to see—a ministerial order issuing from the minister's office saying to a company or a plant somewhere in Ontario: "You are now violating the standard. You have X months to come down to the threshold limit value and if you don't come down in this period of time there will be the following penalties." None of that has happened yet, yet the minister made a very major pronouncement about the shift from a guideline to a standard.

All of those things follow logically as an extension of this legislation. We'll support it. We'll try to amend it. We'll work with the minister—we promise her, in good faith—on every major initiative she takes, but we will brook no nonsense on the issue of occupational health. And if the board or the ministry plays cavalierly with the situations of a kind that Aimé Bertrand represents, if they continue to accept reports from Dr. Ritchie without acting upon them, if there are serious violations of the principles or the mechanics of the bill which are not responded to, then we will fight it every step of the way. Because there are few subjects in this Legislature which bear more forcefully upon the human condition.

Interjections.

Hon. B. Stephenson: While I have been edified—

Mr. Acting Speaker: Order please, the hon. member for Sudbury.

Mr. Germa: I wish to participate in the debate if the minister is closing the debate.

Mr. Acting Speaker: I had asked and nobody responded, that's why I called the minister.

Mr. Germa: With all the noise in the chamber I didn't hear you call.

Mr. Acting Speaker: I called, but I'll recognize the hon. member for Sudbury.

Mr. Germa: Thank you. I certainly want to make a few comments regarding Bill 139. It's been a long time coming and I have a personal interest in the bill, having spent a great deal of my life in an industry which has come to be recognized as possibly one of the most hazardous industries that we

have in Ontario, the mining and smelting industry. My history in this industry goes back as far as 1903, when my grandfather happened to get killed underground in a mine in Copper Cliff, with the Canada Copper Company. I'm the third generation in the mining industry from my family and my father lasted a little bit longer than my grandfather. I have done a little better than those other two who went before me.

Of course, in 1903 I'm sure the state of affairs was probably a hell of a lot worse than it is now. I don't know how it could be much worse than it really is now, but I suppose it must have been.

Bill 139 had a very long incubation period. I think the motivating force for the introduction of the bill was the recent report by Professor Ham who is inquiring into the safety and health of miners. I think this was the weight that pushed this government, this insensitive, non-compassionate government, over the edge into bringing in this legislation.

I think the heat first started when my colleague from Sudbury East (Mr. Martel) undertook to investigate the hazards at the sinter plant in the Copper Cliff smelter. He fought a lonesome battle here for five or six years. He was subject to the recriminations of the government and I recall some of the stories coming out of the Legislature—I wasn't here at the time—that he was overstating his case and he was being melodramatic and that his evidence was really not reliable. But this man persisted and he piled up body after body in front of the Minister of Natural Resources until the minister couldn't stand the stench himself and he just couldn't ignore the case any longer.

Finally, the Workmen's Compensation Board succumbed. They did have a breakthrough and they are now pensioning sinter plant workers who have as little as six months' seniority in the sinter plant.

Of course, when the Workmen's Compensation Board first recognized the hazard of cancer from the sinter plant, they set a six year limit. They were going to be nice and safe and that's how the board seems to work. They always err on the side of the employer. They never err on the side of the worker.

They set the standard that if you had six years' seniority in the Copper Cliff sinter plant and you developed lung cancer, you were consequently going to be compensated for it.

But statistics were being kept and it developed that people with as little as three years in the sinter plan were breaking down

with lung cancer. Of course, the Workmen's Compensation Board couldn't hide the evidence any longer and they reduced it to three years.

A couple of years later, with the persistence of my colleague from Sudbury East, evidence was documented that people with six months in this sinter plant were developing cancer. I was at the meeting; by that time I had arrived on the scene. I was at a meeting at the Workmen's Compensation Board. There were the various Workmen's Compensation Board doctors. There were doctors from the occupational health branch. There was the chairman of the board. It was that day that the Workmen's Compensation Board decided to lower the seniority requirements in the plant to six months and I recall Dr. McEwen's statement at that time. She says anybody who even looked in the door of that place should be compensable. Now that is how virulent the hazard was in the Copper Cliff sinter plant.

Let me just tell the minister of the attitude of the International Nickel Company in those days—and I don't see that it has changed any.

On Saturday afternoon last, I was dealing with a compensation case, a person who has cancer of the stomach, and we are trying to find out just where he got it. He wasn't an employee of the International Nickel Company. He worked for a contracting firm which is brought in by International Nickel Company.

I was asking him what kind of work he was performing and he said: "Well the, filthiest job I ever had was when I was with a contracting firm working in the concentrator in the Copper Cliff smelter." He said: "I was sandblasting pipes," but he wasn't using sand. He was using sinter from the Copper Cliff sinter plant. He was spewing it out of the pipe like a black death all over the rest of the workers in the concentrator.

So we see that there are going to be some men who cannot qualify because the regulations of the Compensation Board are such that you have to have six months in the Copper Cliff sinter plant in order to get compensation for lung cancer. But here was the International Nickel Company spraying sinter around one of their buildings in a sandblasting operation.

Then the Elliot Lake situation came on the scene and I think my leader and various other members of the New Democratic Party, with the assistance of the United Steelworkers, were responsible for putting that case together. Once again we had to start piling

bodies around the Minister of Natural Resources so that he would take action and bring to the attention of the Workmen's Compensation Board that there was, in fact, a serious hazard at Elliot Lake which this government has refused to recognize for I don't know how many years. And there was the ridicule that various union leaders faced, that various colleagues of mine faced, and which, in fact, I faced myself. There were the ministerial statements that this minister made when she accused people of crying with crocodile tears who were trying to make the case for workers who were poisoned on the job.

[5:45]

Mr. Wildman: Very nice speech.

Mr. Germa: And now the most recent case is the Reeves Mine in Matachewan. I remember the Minister of Natural Resources (Mr. Bernier) standing in his place telling us that the Reeves plant was the best asbestos plant on the North American continent, and that there was no need to close it down—

Mr. Laughren: He is a real winner.

Mr. Germa: —and two weeks after he said that he went up there and closed the plant down for two weeks. What a ridiculous situation we had here in the province of Ontario when the man stood in his place and said we have the most modern plant in the world, and two weeks later closed it down.

Subsequently we found out what was going on up there. It wasn't a new plant at all. It was some piece of scrap that had been imported from some place in Quebec, and the modern equipment which we assumed was in a new plant was just not there.

This is the kind of inspection service this government has failed to supply to the workers of Ontario—there is a severe credibility gap, as well, between the workers of Ontario and the government of Ontario. I have been in the work place for very many years and I can tell you to a man, that no man I ever worked with ever looked on the Minister of Labour or the Minister of Natural Resources, as his friend—they were always his foes.

Mr. Laughren: With just cause.

Mr. Germa: That situation still exists today. The minister, if she is sincere in what she said, if she is not going around the province crying crocodile tears on behalf of workers, has to overcome this great credibility gap.

Hear what Mr. William Mahoney, the Canadian director of United Steelworkers had to say about the government of Ontario. I

am quoting from the Sudbury Star, March 4, 1976; "Our union has come to expect incompetence, bungling and outright coverup of dangerous situations affecting the health and safety of our members from this department—"

He was speaking then of the Minister of Natural Resources. The Minister of Labour has now taken over that responsibility and I would warn her of the credibility of that minister. He's probably the most incompetent Minister of Natural Resources that the province of Ontario has ever faced, because it was under his jurisdiction—

Mr. Laughren: That is saying quite a bit.

Mr. Germa: It was under his jurisdiction that all of these hazards and ridiculous situations were allowed to develop.

Hon. Mr. Welch: My colleague?

Mr. Laughren: He is a bad news bear.

Mr. Germa: I have certain doubts that this legislation will work. This present minister who is taking over the responsibility has said she favours a self-regulatory system; the Minister of Natural Resources, over the years, has favoured a self-regulatory system. We have evidence, Mr. Speaker, that self-regulation in the mining companies is not going to work.

The mining companies and the government rely on the Mine Accident Prevention Association to do the dust testing in the environment. The government, of course, takes for granted that the figures that they get are accurate and correct and that they are done under proper settings. I haven't got that much faith in the Mine Accident Prevention Association. You just have to look at the people who make up the MAPA and you have a loss of credibility as far as that is concerned.

Mr. Laughren: Does the minister have confidence in them?

Mr. Germa: Comparing this legislation with the Ham recommendations, Mr. Ham made 117 recommendations to the government of Ontario. As far as I can compare the two—the bill and the recommendations—I would say that only eight of these very serious recommendations in the Ham commission are covered in this bill. I would suggest that recommendations 60, 61, 63, 66, 67, 68, 69 and 81 are the only part of the Ham commission recommendations which are included in the bill.

There are three major items covered in the bill: The formation of health and safety

committees, the right to refuse to work in an unsafe area or to move an unsafe piece of machinery and what I think is the most important part of the bill—and something we have pressed for for these many years—that part IX of The Mining Act be transferred out of the hands of the Minister of Natural Resources.

For probably four or five years we have been trying to get through the government's head that there is a conflict of interest between the Minister of Natural Resources and his duty as protector of the working man. The Minister of Natural Resources is concerned with exploiting resources to their maximum benefit and, consequently, that is in conflict with the protection of workers. I think this is probably one of the reasons—at least I am going to credit it as one of the reasons—that he was unable to protect the workers in the mines and mills of Ontario.

Mr. Wildman: He doesn't know the situation and doesn't care either.

Mr. Germa: Part IX of The Mining Act is a very large section of the Act; it covers 187 pages. I am sure the minister has taken time to make herself familiar with everything that's in The Mining Act. One would suspect that after having written 187 pages of legislation, it would be possible to operate a mine in Ontario without the mayhem and destruction which has gone by in the past.

An hon. member: Well said.

Mr. Germa: Apparently legislation is not what we need. We need some enforcement. We can write all the laws we want, but until such time as we decide to enforce these laws and penalize the people who choose to not obey them, then the laws will have no force whatsoever.

I have in my possession the brief that the Minister of Natural Resources presented to the Ham commission. It is very revealing to read the statements of some of the mining engineers, and one can well understand the problems that this minister is going to have when she takes over part IX of The Mining Act.

Mr. Wildman: Is that an example of how you really feel about the whole thing? Look at the look on her face.

Mr. Germa: I am going to give her the benefit of the doubt.

Mr. Laughren: That's more than they give the workers.

Mr. Deputy Speaker: Order, please. The hon. member for Sudbury has the floor. Will his colleagues stop heckling him?

Mr. Germa: The most important section of this legislation is that section of the Act which allows a worker to refuse to enter or operate an unsafe vehicle or to enter an unsafe place. But right to the last moment, this ministry tried to defend its position in the brief to the Ham commission, and by no less a person than Mr. Jewett, the executive director of mines for the province of Ontario.

I would like to quote what Mr. Jewett said when he was appearing before the Ham commission. By the way, Mr. Jewett is very deeply involved in the mess in Elliot Lake. He was one of the mine managers and built some of those plants which today are killing hundreds of our people. This is the man who we expect is going to criticize the operation of the mines in Elliot Lake when, in fact, he was one of the builders of this organization in Elliot Lake.

What did he say to the Ham commission in response to a worker entering an unsafe place or driving an unsafe vehicle? Mr. Jewett said—and I'm quoting:

"Some people speaking before this commission have suggested that miners in Ontario do not have the right to refuse to work in unsafe areas. But, Mr. Commissioner, under section 177(15) of The Mining Act they have had for years not only the right but the clear responsibility to satisfy themselves that their work place is safe before beginning work, just as they have shared in the responsibility for keeping it safe for themselves and their co-workers."

Let's take a look at section 177 and decide if Mr. Jewett was making a proper interpretation. We have evidence of a worker in the Sudbury area who refused to go into a stope one night. He was told either go into the stope or go home. He chose to go home and within an hour his replacement was dead. And yet Mr. Jewett to the Ham commission was trying to backfill and cover his flanks by making that statement. I went to the trouble of digging out section 177 of The Mining Act, and there's no place in there that I see—what's so funny about that?

Hon. B. Stephenson: It's all right.

Mr. Germa: This is a very serious conversation we're having. You're not concerned. You'll be in the golf club Saturday night with the rest of the aristocrats.

Hon. B. Stephenson: I'm sorry, I don't play golf and I don't belong to the golf club.

Mr. Germa: Section 177(15) says "No manager, supervisor or his agent, who has reasonable cause to believe that any machine or device in or about a mine or plant is unsafe or in contravention of this Act shall cause or commit it to be used or operated." That's the manager and the supervisor and his agent. It says nothing about the worker having the right to refuse to enter. He's still at the mercy of the mine manager and this is the guy that we don't trust, because the evidence is in that he stands condemned for the actions of the past.

Another problem which is not covered in the bill—and the bill reads very beautifully, Mr. McCrodan, the—

Mr. Deputy Speaker: I wish the member for Sudbury wouldn't deal with what is not in the bill, but address his remarks specifically to what is in the bill.

Mr. Germa: Mr. Speaker, when I'm looking at the bill and I see that decisions have to be made by management and by a governmental inspector—Mr. McCrodan points out to us that today there is often less authority at the mine site. Too many mine managers do not have the authority to deal quickly with major health and safety problems. I wonder how this bill can be effective if the manager of the mine has not got the power to enforce the legislation as we think that it should be enforced?

I would ask the minister to address herself to that, to grant to a local mine manager the authority, under this legislation, to see that he has the power. He shouldn't have to phone New York or some other place to get authority to cause to happen something which might protect the health and safety of a miner.

Mr. Germa moved the adjournment of the debate.

The House recessed at 6 p.m.

CONTENTS

Tuesday, November 16, 1976

Point of privilege re statement by Mr. Bernier, Mr. Stokes	4683
Quebec election, statement by Mr. Davis	4683
First ministers' conference, questions of Mr. Davis: Mr. Lewis, Mr. S. Smith, Mr. Roy, Mr. Bullbrook	4684
Reed Paper, questions of Mr. Davis: Mr. Lewis	4685
Secondary schools curriculum planning, question of Mr. Wells: Mr. S. Smith	4686
Fees for foreign students, questions of Mr. Parrott: Mr. S. Smith, Mr. Sweeney, Mr. Warner	4686
Land speculation tax exemption, questions of Mr. Meen: Mr. S. Smith, Mr. Makarchuk ..	4687
Delay in OSAP approvals, questions of Mr. Parrott: Mr. S. Smith, Mr. Warner	4687
Suspension of Maplehurst guard, questions of Mr. J. R. Smith: Mr. Reed	4689
Cancer and asbestosis, questions of B. Stephenson: Mr. Laughren, Mr. Lewis	4689
Energy conservation, questions of Mr. Timbrell: Mr. Good	4690
Milk imports, questions of Mr. W. Newman: Mr. MacDonald, Mr. Gaunt	4691
Natural gas losses, questions of Mr. Timbrell: Mr. Peterson, Mr. Mancini	4692
Extension of OMC tax deadline, questions of Mr. Rhodes: Mr. Burr, Mr. Deans	4693
Failure of switches, question of Mr. F. S. Miller: Mr. Moffatt	4693
Notice of dissatisfaction by Mr. Cassidy re answer to oral question	4694
Employees' Health and Safety Act, B. Stephenson, on second reading	4694
Recess	4724

SPEAKERS IN THIS ISSUE

Bain, R. (Timiskaming NDP)
Bennett, Hon. C.; Minister of Industry and Tourism (Ottawa South PC)
Bernier, Hon. L.; Minister of Natural Resources (Kenora PC)
Bullbrook, J. E. (Sarnia L)
Cassidy, M. (Ottawa Centre NDP)
Conway, S. (Renfrew North L)
Davidson, M. (Cambridge NDP)
Davis, Hon. W. G.; Premier (Brampton PC)
Deans, I. (Wentworth NDP)
Drea, F. (Scarborough Centre PC)
Dukszta, J. (Parkdale NDP)
Eaton, R. G. (Middlesex PC)
Ferrier, W. (Cochrane South NDP)
Gaunt, M. (Huron-Bruce L)
Germa, M. C. (Sudbury NDP)
Godfrey, C. (Durham West NDP)
Good, E. R. (Waterloo North L)
Haggerty, R. (Erie L)
Laughren, F. (Nickel Belt NDP)
Lawlor, P. D. (Lakeshore NDP)
Lewis, S.; Leader of the Opposition (Scarborough West NDP)
MacDonald, D. C. (York South NDP)
Mackenzie, R. (Hamilton East NDP)
Makarchuk, M. (Brantford NDP)
Mancini, R. (Essex South L)
McClellan, R. (Bellwoods NDP)
Meen, Hon. A. K.; Minister of Revenue (York East PC)
Miller, Hon. F. S.; Minister of Health (Muskoka PC)
Moffatt, D. (Durham East NDP)
Newman, B. (Windsor-Walkerville L)
Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
Nixon, R. F. (Brant-Oxford-Norfolk L)
Parrott, Hon. H. C.; Minister of Colleges and Universities (Oxford PC)
Peterson, D. (London Centre L)
Reed, J. (Halton-Burlington L)
Reid, T. P. (Rainy River L)
Renwick, J. A. (Riverside NDP)
Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
Rowe, Hon. R. D.; Speaker (Northumberland PC)
Roy, A. J. (Ottawa East L)
Ruston, R. F. (Essex North L)
Singer, V. M. (Wilson Heights L)
Smith, G. E.; Acting Speaker (Simcoe East PC)
Smith, Hon. J. R.; Minister of Correctional Services (Hamilton Mountain PC)
Smith, R. S. (Nipissing L)
Smith, S. (Hamilton West L)
Stephenson, Hon. B.; Minister of Labour (York Mills PC)
Stokes, J. E.; Deputy Speaker (Lake Nipigon NDP)
Swart, M. (Welland-Thorold NDP)
Sweeney, J. (Kitchener-Wilmot L)
Timbrell, Hon. D. R.; Minister of Energy (Don Mills PC)
Warner, D. (Scarborough-Ellesmere NDP)
Welch, Hon. R.; Minister of Culture and Recreation (Brock PC)
Wells, Hon. T. L.; Minister of Education (Scarborough North PC)
Wildman, B. (Algoma NDP)
Yakabuski, P. J. (Renfrew South PC)



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CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

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LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 16, 1976

The House resumed at 8 p.m.

EMPLOYEES' HEALTH AND SAFETY ACT (continued)

Mr. Deputy Speaker: When we rose at 6, the hon. member for Sudbury had the floor.

Mr. Germa: Thank you, Mr. Speaker. At 6 o'clock I was attempting to introduce to the Minister of Labour (B. Stephenson) her new responsibilities upon accepting transfer of part IX of The Mining Act into her jurisdiction. I presume certain personnel from the mines section are going to be transferred to her jurisdiction. The inspection branch, which is contained in part IX of The Mining Act, is now going to be her responsibility.

I'm presuming that she would appreciate knowing these people by their comments. I think one of the ways you get to know a person is by what they stand for and what they've said in the past. I was, at that point, quoting certain comments by certain mines inspectors to the Ham commission. Some of the quotes are very noteworthy and some of them are really not. I was also trying to recite the background of this legislation for the protection of employees' health and safety in industry.

My great concern is in the mining industry, and I'm extremely interested in what the minister is going to do to enhance the credibility of the mines inspection branch. There's no doubt in my mind that the mines inspection branch suffers from a lack of credibility even more than the Ministry of Labour does. Certainly they are suffering from a great credibility gap.

The minister agrees with the statement by Mr. Ernie Isaac, the regional mine inspector in Sudbury, when he says that "we do not believe that health and safety can be bargained for." Unfortunately, Mr. Speaker, because of the government's lack of intervention in the work place, it has been necessary for trade unions to expend considerable amounts of time and energy and money negotiating health and safety problems in the mines and smelters of northern

Ontario. Despite the minister's statement and despite the statement of Mr. Isaac, I cannot see that this bill is going to reduce or take away the responsibility of the trade union movement to negotiate health and safety, despite my statements that that should not be on the bargaining table at all.

Those things we have been bargaining for down the years have deteriorated and diluted the bargaining process. We have had to expend and trade off monetary gains for safety and health items. Those things are documented. A small example is the fact that for a long period of time whenever a miner got killed, it was not allowed for the trade union or the worker's representative to question witnesses at the inquest. After about 10 years of turmoil, in 1967 the union that I belonged to at the International Nickel Company was given the right to question witnesses when an inquest was investigating the death of a miner.

The cards have been stacked against workers' representation throughout the years, even in a small item such as that. I even recall the turmoil that was involved in removing the company policemen when the International Nickel Company had its own police force which used to investigate miners' deaths.

Mr. Deputy Speaker: I think section 6 of the bill addresses itself to that particular situation, would you not agree?

Mr. Germa: I'm sure I'll take your advice, Mr. Speaker.

Mr. Reid: You might even read the bill.

Mr. Germa: I would agree with you, Mr. Speaker. What I was pointing out is the long struggle that has ensued in order to get this bill on the order paper, so the government shouldn't rest on its laurels. It's been a long time coming, and certainly we are going to support the bill. I never thought I would be put in a position to accept crumbs off the minister's table, but in this instance we have to take these crumbs. This bill is not going to solve all of the problems. It's only the thin edge of the

wedge. I would hope that the minister would take a look at the other 108 recommendations of the Ham commission. I don't know what the government is doing with them.

To give some idea of the past attitude of the mines inspection branch, which comes under part IX, I've raised with the minister before that there should not be warnings to the mining companies when an inspector comes in. The minister has denounced that proposal. Last week when we were talking to her in the estimates committee, she said, "Cite one case when a mining inspector warned the mining company that he was coming in to make an inspection."

Let me quote from Mr. Ernie Isaac's testimony before the Ham commission: "Another reason given for believing the engineers do favour management is the allegation that management is warned prior to inspection. This in fact was sometimes the practice until about five years ago." By his clear admission there was complicity between the mining inspectors and the mining companies up until five years ago.

I don't accept that just because he said it ceased five years ago that has really happened. The method they used for communication was surreptitiously accomplished. I don't expect the minister to know all the refinements of this jungle system. I know for a fact that when the mining inspector in Sudbury was to visit one of the mines, he didn't phone up the mining company and say, "I'm coming out tomorrow." Nothing as blunt as that. He had a better method. He would mail out his hard hat and his overalls. He would send them out in the taxi the day previously. It was understood by the mining company that the mining engineer would appear on the scene 24 hours after his hard hat had arrived.

Hon. B. Stephenson: But not by mail.

Mr. Germa: No, by taxi.

Hon. B. Stephenson: It would be a long time getting there if he sent it by mail.

Mr. Germa: Why did the inspector adopt this attitude if he knew he wasn't doing wrong? Why did he send his hard hat and his overalls out 24 hours ahead of time?

Mr. Haggerty: He wanted to make sure they got there.

Mr. Germa: He knew that he was doing wrong. And these are the people the minister is inheriting. This is why I am trying to introduce to the minister some of the hazards of her job.

I know she might be quite innocent in this field so she should listen to a person who has been there for some 42 years. This is how it is done. You mail out your hat and your work clothes and then it is understood that you will be on the job 24 hours after your hat arrives. That's a clear indication of what went on. And from my experience this is why the mines inspection branch has not been effective for the past 30 years in Ontario. They weren't serious about what the hell they were trying to do.

There has been mention made that there was innocence on behalf of the mining inspection branch—that the new procedures were baffling them and that they really didn't know that the hazards existed.

I quote again from Mr. Isaac who says: "As the commission will understand, much of this area is new to us. Up until a few years ago, SO₂ in smelters or noise in mines were accepted as a normal part of the working environment. Only recently have they become unacceptable."

Well, we all knew that SO₂ was plaguing the workers. The mining engineer, when he was in the smelter, must have seen that. Yet our union wasn't competent and I, as an individual worker, was not competent to deal with it. And yet the mining inspector came in and he said, "It's acceptable. If you want to work in a mine or a smelter then you have to suffer these large doses of SO₂ and noise." And nothing was done.

What I'm thinking about is that the mines inspection branch took no initiative to clean up the work place. They reacted only to complaints. When there was too much heat in the kitchen then they would do something, but on their own, in the past, I think they have not corrected one misdemeanour of the mining companies until it came to the point where they could not do otherwise.

I am sure when this bill goes into committee there's going to be representation made by the Canadian Manufacturers Association and various industrial organizations. They are going to tell the minister—and I am sure they are; in fact, I am going to tell her what I heard on a bus the other night, I'm not going to tell it now—but they are going to tell stories about workers who deliberately refused to operate a machine or refused to go into a work place because it was unsafe.

We have had some experience with that. I was engaged in a walkout some 12 years ago. There were 500 of us, including myself, who were forced to walk out of the Copper Cliff smelter at the International Nickel

Company on account of SO₂ concentration. We just couldn't tolerate it any more, so 500 of us walked out the gates.

I'm sure you know what happened. The next day I was called before my supervisor and I was threatened that if that ever happened again I was out. I was finished, and my 35 years seniority and pension rights and everything else was down the drain. And these are the kinds of threats that were laid over our heads that when workers get some power they will abuse it and they will interrupt production for frivolous reasons.

In 1970, 68 workers walked off the job in the Copper Cliff smelter on account of SO₂ concentrations. On November 27, one week later under pressure from the—

Mr. Deputy Speaker: I must remind the hon. member that there is nothing about Sudbury or International Nickel or anything of that nature in this bill. There are four principles enunciated in this bill and I wish you would restrict your comments to those four principles.

Mr. Germa: I think I am addressing myself to one of the most important principles—that a worker has the right to refuse to enter a work place if conditions are dangerous. I'm talking about SO₂ concentrations, which gives us some historical background; and the reason for this bill being on the order paper is to protect workers from the environment.

[8:15]

Mr. Deputy Speaker: That's covered under section 2 of the bill.

Mr. Germa: Anyway, the result of this walkout was that a worker in the smelter could demand a measurement of SO₂ concentration. That was granted to them in 1970, and Mr. Isaac tells us that "the company feared this procedure would be abused by the union to disrupt production needlessly. But, in fact, that has never happened. Instead, by involving its employees, by giving them clear rights and authority, Inco succeeded in maintaining production and industrial peace during the improvements to the smelter."

When the minister hears from the Canadian Manufacturers Association and all these gloomers and doomers that a worker is needlessly going to stop production because he sees an unsafe environment—and I know it's coming—I wish the minister would reject all that.

The minister has also made mention about combative unions and their attitude towards

safety and health. There are so many things that she should know about the department that she is taking over. I won't go through all of them; I will just recite one more thing I heard which I think is going to come up whenever this bill gets to committee.

I was on the bus to the airport the other day and there were a couple of people from the briefcase brigade on their way to the airport. I didn't know these people, but it was obvious who they were and they were engaged in a conversation in which I was very interested. I was eavesdropping, I'll admit that. They had been at a meeting discussing this bill—they were obviously industrialists—and the points they're going to raise at the committee. I may as well warn you that one of the points relates to a policeman when a bank robbery is in progress; the policeman says, "That is dangerous to my health; I might get lead poisoning if I go into that bank." Is the policeman—this is what the minister is going to hear from these industrialists at the committee—

Mr. Samis: The voice of experience.

Mr. Germa: If a bank robbery is in progress and a policeman is directed to break up the bank robbery, on account of this legislation he might refuse because it might be injurious to his health. The minister will have to think about those things because they're coming.

The next point they raised—and this went all the way from the Royal York Hotel to the Malton airport—was that a nurse working in a hospital might refuse under this legislation to enter a room where a patient had hepatitis because the very nature of this disease might be injurious to her health. I just wonder how the minister is going to respond to those criticisms in the committee.

I close by saying that I support this legislation. It's the thin edge of the wedge, it's a crumb off the table—

Mr. Nixon: A short step forward.

Mr. Germa: —and I look forward to legislation which will enunciate the other 117 recommendations as cited in the Ham commission report.

Mr. Deputy Speaker: The hon. member for Downsview.

Mr. Samis: Another voice of experience.

Mr. Wildman: A northerner at heart.

Mr. di Santo: I rise in support of the second reading of this bill, Mr. Speaker, as

has everybody else in this House at this point. I think this is the first timid step in the right direction.

I think that safety councils are a minimum requirement in a modern, advanced industrial society, where the workers are not considered only as part of the production chain; where they are not considered only as part of the profit-making process of the corporations; where the workers are not only considered as subjects of the decisions of the management of the companies; where the workers are considered part of the process, with their responsibilities, with their interest and with their own personal integrity, to preserve it throughout that process.

I think that this bill is the result of extremely tough pressure for many years on our part and on the part of the trade unions in this province. It is also the result of Professor Ham's report. I don't think the government could avoid making some decisions at this point on what we consider has been for a long time a neglected area of our industrial relations in this province. I don't think with this bill, even though the safety councils are instituted, that we solve the problem of the workers at the work place. It fails to solve their safety problems and the problems of the decision-making process at the work place, the decisions which affect the workers directly, unless we change the whole philosophy of the relationship of the workers and the management at the work place. I don't think that this government will be able to do that and that's why I am pessimistic.

Until now, the thrust of this government in the field of safety has always been towards the worker, never towards management and never towards the companies. All the campaigns run by this government—I don't know how many but an incredibly high number of safety associations, safety groups—have always been directed to the workers. The workers are those who have to be careful; the workers are those who have to wear hard hats; the workers have to watch out because they can be hurt. We know that even if the workers are careful, accidents cannot always be avoided.

Sometimes these accidents are very serious and in many cases they claim lives. It isn't by chance that in the province of Ontario every year we have 460,000 industrial accidents while in England, with a work force 10 times ours, they have 500,000 accidents a year. I don't think that the minister can convince me that that it's always the fault

of the workers of Ontario because so many accidents take place in this province.

I think that the government has to change that attitude. The workers are getting fed up with that approach, with the kind of attitude that puts the burden of the safety only on them and never on the companies.

Last week during the Labour estimates on this specific point, I raised the case of an accident which claimed the life of a worker, Dominic Gorari. I am bringing up this example now, Mr. Speaker, because I don't think that with this bill we can solve that kind of problem. We cannot solve the problem of safety at the work place properly.

In that case we have seen, through the inquest of the coroner, through the verdict of the jury of the coroner, what kind of attitude the government of Ontario and the Ministry of Labour have taken. We had an inquest only six months after the accident. The coroner said at that point that evidence was not available, witnesses were not available, and it was not possible to clarify the causes of the accident, the circumstances, and therefore, whether there was any responsibility or not on the part of the company.

More serious than that, during the same inquest one of the high officers of the Ministry of Labour, the assistant director of the safety branch, testified and said that at this point only the small companies are being penalized because dollars are what count, and the big companies are not penalized. The coroner was directed by the jury to ask the minister whether there is a double standard in this province—justice for the poor companies and justice for the rich companies.

I think until we have that kind of attitude in this province, we will never solve the problems of workers' safety at the work place. I think this bill, as I said before, shows us what kind of avenues are open to a modern democracy, what kind of avenues are open to an industrial province which wants to institute some kind of industrial democracy at the work place. I think that is not enough because most of the problems are originated by the fact that today, as I said before, the workers are only the target of orders which come from the companies. Safety committees will perform a useful function because they will give the worker some pull in the limited area of safety.

We all know that in that industry, in that plant, there are decisions which affect the safety sector. Therefore, I think that we should go beyond this bill and we should give the worker a true voice in the whole

decision-making system inside the companies.

The member for Sarnia (Mr. Bullbrook) mentioned the other day that we should introduce some kind of method which is used in most of the western countries—a decision-making process inside the companies. This bill, even if—

Interjection.

Mr. di Santo: That's only socially democratic, the member for Sarnia said. That's what it is, in fact, because we recognize today that the workers are interested in the economic process of the nation as human beings and not only as tools of an industry. Therefore, they have to be part of the process from the beginning with all the responsibilities that belong to the shareholders.

There is no difference today between shareholder and jobholder, because the shareholder cannot operate without the jobholder, and the jobholder cannot operate without the shareholder. This is a principle which has been recognized in many democratic countries in the world. We have to come to terms, even in Canada, because if we don't do that then we will be faced with discontent, with uproar and we will end up in days—

Mr. Deputy Speaker: It's nice to see so many ministers here tonight, but would they keep their conversations down a bit, please?

[8:30]

Mr. di Santo: The national day of protest on October 14 will be only an example of what will happen in the future. Because we won't reach safety conditions at the work place when all the economic operations of the companies are directed towards profit. We won't reach safety conditions until we desist from saying that it's the workers' responsibility to look after themselves. We know very well that it's cheaper to tell the workers to "be careful." It costs less to have a media campaign in order to educate the workers than force the companies to adopt equipment that will make the work place safe. We know that.

It happened two years ago with the lead companies. We know that the workers who were working in those companies were in no safe conditions. We know that the filters and the purification system are expensive. But then this government resisted and resisted because they said that there was no danger there. The companies, if they are to adopt safety equipment, have to spend money. And, of course, it's cheaper to go after the work-

ers and tell them to be careful and to get educated in order to avoid accidents.

For this reason I, like my colleagues, support the bill, because I recognize that it's a step in the right direction. At the committee level we will introduce amendments. To begin with, we will make sure that the committees will be compulsory and we will fight so that the idea of the council committees will be enlarged to the point where we can institute, even in this province, a system of industrial democracy. Thank you.

Mr. McClellan: I rise to speak in support of Bill 139 and to join with my colleagues in trying to outline some of our concerns with respect to it.

There are a number of problems with this bill that I think have been very clearly delineated. I think that those problems can be dealt with adequately through strengthening amendments which will be coming from us later in the clause-by-clause.

But there's another problem with this bill that, unfortunately, we on this side of the House can do nothing about. That problem is as follows:

Aneurin Bevan of the British Labour Party once said that you can make your laws as nice as you like, but what counts in the long run is the spirit of administration. And that remains, I think, a simple truism for all governments. This is a nice piece of paper and together I hope we can make it a nicer piece of paper. Unfortunately, it will remain utterly insignificant unless the minister and her ministry are prepared to implement it in an honest and aggressive way.

The second problem I refer to is that the Ministry of Labour has not earned the kind of trust in this province among working people that is essential to make this bill work.

Mr. Laughren: Get the message?

Mr. McClellan: The ministry is regarded with a pervasive cynicism, with a lack of trust, with hostility, with leanness—

Hon. Mr. Rhodes: You don't trust the civil servants of Ontario?

Mr. Laughren: We don't trust the minister.

Mr. McClellan: —and that is a major obstacle to the success of this bill. It will only be overcome by the actions of the ministry and the good faith of the ministry in implementing the principles and the policies and programmes of the legislation. I've talked to labour leader and I've talked to

construction workers in my own constituency, and they share the legacy of years of inadequate action by the ministry. That legacy is mistrust—and cynicism.

I was down in Windsor at the end of last week for a mini-caucus and we met with a number of delegations which made presentations to us. One, from the United Auto Workers staff which services the V-8 assembly plant in the Chrysler works at Windsor, told us a characteristic story about the plant.

One day the machinery used to move automobiles through the plant broke down and the management said to the work force, "Okay, you move those cars manually—that means you push them through the plant."

The problem was brought to the shop steward. He looked at it and it was clearly an unsafe practice. The ministry inspector was contacted and he arrived late in the morning, close to 11:30. He looked at the conditions, saw that the men were trying to push automobiles manually through the plant and said to the work force and the union representatives that it was obviously an unsafe condition.

The inspector then went out to lunch—with management representatives—and when he came back after lunch he told the union representative and the work force that now it was a safe working condition.

I would be pleased, before the minister gnashes her teeth, to give her the particulars of this.

Hon. B. Stephenson: No. When? What date and what plant, please?

Mr. McClellan: Yes, I anticipated the minister's interest and I'd be pleased to put her in contact with the gentleman who made this submission.

Hon. B. Stephenson: No, put it on the record now. I'd like to investigate it, Mr. Speaker.

Mr. McClellan: Right. I'd be —

Hon. W. Newman: Put it on the record now.

Mr. McClellan: I'm afraid I don't have the name with me. I can get it before this evening's debate is over, and I'd be pleased to do that.

Hon. B. Stephenson: Mr. Speaker, with this kind of allegation, I think really it should be on the record at this time.

Mr. Warner: It will be. We don't usually fool around.

Mr. Laughren: We agree with you entirely.

Mr. MacDonald: File it like everything else.

Mr. Bain: You'll probably give him a pension.

Mr. McClellan: This was a public meeting at which these allegations were made, and the media were present.

Mr. Deputy Speaker: Order please. The Chair has no authority to insist that any member make certain information available to the House, but if he's going to make allegations, I suggest that he be able to back them up with facts.

Mr. McClellan: Absolutely, Mr. Speaker.

Mr. Warner: Of course he will.

Mr. Laughren: It's his choice, Mr. Speaker.

Mr. McClellan: Mr. Speaker, I have indicated to the minister I have every intention of providing the particulars to her.

Mr. Laughren: Does the Minister of Housing (Mr. Rhodes)—

Hon. Mr. Rhodes: The member without a riding.

Hon. W. Newman: Dr. Nixon, why don't you join us?

Mr. McClellan: If I may continue. Each of us brings our own concerns with respect to Bill 139. My colleague from Sudbury (Mr. Germa) spoke of his own concern around the mining industry because those are his constituents. I bring a particular concern around the construction industry because my constituents by and large work in the construction industry.

I want to refer again to the final report of the Italian pilot study entitled, *The Delivery of Safety Services to New Canadian Workers in Union Hiring Halls*, the report done by Sidlofsky and Hellman. It's a very interesting report because what they were looking at was the success of educational safety campaigns within the hiring halls of locals 506 and 183, Labourers International. They were open to normal conversation with the respondents in the sample; what they discovered was that a key factor in the whole equation around safety in the construction industry was the push man, or the pusher.

We talked a little bit about that during the estimates debate, but I wanted to read very briefly one interesting section around the pusher, because unless this legislation

and the measures in Bill 139 are able to address themselves to time pacing in the construction industry and the kind of coercive pressure that the chain of management command places on the work force then we're not going to be able to deal with the accident rate in the construction industry. It's very clearly linked to the phenomenon of the pusher and pushing within the construction industry.

Sidlofsky and Hellman describe the pusher thusly: "No single figure featured as prominently in the construction labourers' discussions as the pushman. Often varying and contradictory descriptions of this figure can be culled from interviews and discussions. This perhaps indicates a lack of clarity on the part of the respondents, but is more likely just a reflection of the complex role of the pushman, which varies a good deal from one work site to another.

"Although there is probably no single key to understanding this figure, this does not mean that nothing more needs to be said about it. Irrespective of his qualifications the pushman represents that part of the chain of command which is closest to the construction labourer. Moreover, the very lack of definition of the pusher's role contributes to problems in the area of safety. According to the informants in this study, all employers with more than a few labourers feel it necessary to single out individual crew leaders and to give them de facto measures of responsibility on the work site.

"On the basis of the available data it also appears that the pushman is perceived as directly responsible for those safety factors related to the immediate environment and base of work. Many interviewees complained that these responsibilities enabled the pushers to bypass company policies on safety, for example by berating workers who attempted to take the time to secure a ladder properly or to attach a safety harness"—and they go on.

Because of the time constraints I won't read, as I had intended to, some selections from the appendix, where the authors have given a synoptic summary of interviews with a number of construction workers. Each of them had his own description of the role of the pusher and of the role of pushing in the construction site. It's not a very long section, even if you don't have time to go through the whole report. It's worth reading that appendix, because you get a feel of what it's like to work on a construction site which is dominated by the phenomenon of the pusher. It could only be described as a kind of reign of terror. It's kind of an atmosphere

of fear that's set up that drives people into unsafe work practices. It obviously doesn't exist in all aspects of the construction industry, but there are a significant number of firms in this city where the phenomenon of pushing is a major and frightening concern.

It's absolutely essential therefore that two of the key principles of this bill be maintained and strengthened: The right of workers to refuse to work and the right of workers to control occupational health and safety on the work site through their health and safety committees.

[We feel that the powers of the joint health and safety committees under section 4 must be spelled out more clearly, and indeed given more authority. They must be made mandatory and they must be given more power. We are confident that if workers—again I'm speaking of the construction industry—are given that kind of authority and responsibility they will be able to deal with the phenomenon of pushing and they will be able to have a constructive effect on the accident rate in the construction industry.

[8:45]

If that isn't sufficient, then we will have to look at other measures. We'll have to look at amendments to The Construction Safety Act, and we'll do that. But I think myself that the bill ought to be able to take us a major step along the road to dealing with that problem.

The final point I want to make is a plea to the minister not to cave in when this bill goes out to committee.

Mr. Laughren: Is it going out to committee?

Mr. McClellan: If it goes out to committee. We are not sure that it is going out to committee. Maybe the minister could indicate whether the bill is going out to committee or whether we will deal with it in committee of the whole. The minister is maintaining a stony silence. I will proceed.

Mr. Ferrier: That's as clear an indication as you will get.

Mr. Deputy Speaker: I think the member knows that questions aren't permitted during second reading.

Mr. McClellan: Yes, Mr. Speaker, but the minister has a great facility in communicating her response from her seat in many different situations.

Interjections.

Mr. McClellan: This time there is no communication.

Let me say again what I said at the beginning that there is genuine concern about how this bill will be handled. The labour movement and working people are, quite frankly, cynical about it. The kind of trust, as I said, has yet to be earned. If the minister waters down this bill, she will be justifying this suspicion and this cynicism.

I don't believe myself that she wants to see the three essential principles of this bill altered, or that she wants to see this bill watered down. I think she wants to see it proceed and that she is open to strengthening amendments. I have some misgivings about her caucus, her colleagues. I am apprehensive about what will happen to the essential principles of this bill if it goes outside to committee.

I want to be very clear about this concern. I have a memo that was distributed to us by one of our research staff in early November. She provided us with the information that at a meeting of The Mining Act revision committee the mining company people passed a resolution to be sent to the minister over labour's opposition to alter significantly the right-to-refuse section. They want unsafe conditions defined along the lines of the Manitoba legislation.

As I am sure the minister is aware, labour objects to defining anything that is not a normal condition as unsafe because in the mining industry normal can mean almost anything. The mining people also want provisions for penalties against employees who use the right in a frivolous manner. They don't feel that the penalty of loss of pay already in the bill is sufficient. Finally, they want the penalty clause as it applies to section 9(1), and therefore the right to refuse, removed entirely.

The reason I mention that is that yesterday in the leadoff for the Liberal Party the member for Sarnia (Mr. Bullbrook) read from a submission from the Ontario Mining Association. He made precisely those points. If you look at Hansard, Mr. Speaker, you will see that, number one, he espoused the Manitoba legislation, which we don't feel is adequate. Secondly, he raised in a backdoor kind of way questions about the penalty section. He was taking his material right from the communications of the Ontario Mining Association. In fact, he was reading out of their correspondence.

Mr. Laughren: That's where he gets his orders.

Mr. McClellan: It could well be.

Mr. Samis: And he is the Liberal critic for labour.

Mr. McClellan: That causes me enormous concern. If the labour critic for the third party is already preparing the ground for significant watering down of essential features of this bill, then all of us had better be on our guard for what happens when that bill goes into committee.

Mr. Breithaupt: I am sure you will be very careful.

Mr. McClellan: Don't worry, we will save it.

Mr. Laughren: We are worried and we will be very careful.

Mr. McClellan: I think indeed we do have to be very careful. Those of us who believe in this bill, and I include the minister, had better be on our guard, if and when the bill goes outside into committee and the mining companies start to exert their pressure. The minister's own caucus had better remain solid. I can assure her that we will remain solid in upholding the essential principles of this bill. After the leadoff speech of the labour critic for the third party, I can only express some profound apprehension as to what direction that group may go.

It's my further understanding that the construction industry is incredibly upset about the health and safety committees. We can expect a very strong lobby from that sector to have that essential feature of the bill watered down substantially.

Mr. Laughren: The Liberal Party will reflect the concern of the construction industry.

Mr. Sweeney: The Liberal Party will try to be fair to both sides. There are two parties to that thing.

Mr. Laughren: It is the super-crotch party.

Mr. McClellan: I think my fear again has been justified by that interjection, that the Liberal Party will try to be fair to both sides.

Mr. Sweeney: You guys are blind in one eye.

Mr. Kerrio: The party that walks on one leg—left, left, left, left.

Mr. Laughren: Stop being provocative.

Mr. McClellan: I think that that is a simple code word for attempting to water down the bill substantially.

Mr. Angus: They haven't got a leg to stand on.

Mr. McClellan: I ask the minister again to hold fast to the principles of this bill and rally her caucus mates to its defence. Don't let it be compromised in committee by those who would subvert it, and I think those who would subvert it are sitting in the third party right now.

Mr. Breithaupt: Your conclusion is as faulty as your premise.

Mr. McClellan: I also want to warn the minister that if she does back down and waters down this bill or allows others to move watering down in subversive amendments, and if her own members on the committee support it, she will forfeit for a long time the kind of trust I talked of at the beginning, the kind of trust from the labour movement and from working people that is going to be essential if this bill is to work and if the whole occupational health and safety programme is to work. People are expecting the minister to water down this bill. That is a simple reality. People in the labour movement expect her to take out the right to refuse to work.

Mr. Laughren: Absolutely right.

Mr. McClellan: People in the labour movement expect her to water down the health and safety committee.

Mr. Kerrio: Like you guys and non-returnable bottles.

Mr. McClellan: People are just waiting for the minister to do it. I invite her to surprise them.

Mr. Hall: You have gone around the Horn four times now.

Mr. McClellan: I invite her to maintain the integrity of the bill, be open to amendments that would strengthen it and listen carefully to the arguments upon which those amendments were based. Together I think we can come through this with a bill that does have integrity and has the possibility of working. If the process is gone through and gone through well, there will be a kind of trust there that we can build on for the development of an adequate occupational health and safety programme in this province.

Mr. Laughren: That's the scenario, absolutely right on.

Mr. Deputy Speaker: The member for Wentworth North.

An hon. member: Oh, they have found another one.

Mr. Cunningham: I rise too in support of this piece of legislation.

Mr. Laughren: The construction industry is about to speak now.

Mr. Deputy Speaker: Could we have some order please, especially from the member for Nickel Belt?

Mr. Cunningham: He and I used to be friends.

I rise in support of this bill and I know all members of the House basically are in support of its thesis. I think it comes as a result not only of great consultation with probably the working sector of our province, but also a number of members of this Legislature. More specifically too, I think the member for Hamilton East (Mr. Mackenzie) has some very legitimate concerns as the member representing an area that has a number of steel mills and certainly some very dangerous industries.

As a resident of the Hamilton area, according to Bill 155, the regional municipality of Hamilton-Wentworth, I too am familiar with some of the difficulties that employees face in that particular area. I know it wasn't that long ago that I was working in the summers in some of the more dangerous aspects of the city, not just as far as crime goes, but certainly as far as occupational dangers go. I recall some of the dirty jobs that people had to do.

I worked in one plant for five years—certainly this was not one of the more dangerous jobs, largely because I am not quite that nervy—but I recall people had to be involved in the handling of asbestos in bags. I don't think, until the last year I was there, there was any provision whatsoever for any kind of masks or respiratory protection. I am sure that as a non-practising physician the minister would agree that this is a very dangerous occupation, to say the least.

There is one particular plant which has had a great deal of—well, I guess I would just have to say that the Ministry of the Environment has been very kind to them over the years—largely, I guess, at the expense of people who live around it. Perhaps the most dangerous area has been in the pouring of hot tar which has been used for roofing materials. I will just explain to the members very briefly what this process involves.

Coal distillate is brought in from the Steel Company of Canada. It is distilled, poured off into 45-gallon pitch drums and is then used for the process of hot roofing.

The injuries that I saw there were just disgusting, to say the least. There were shaky metal troughs pouring hot molten material into these weak containers and also fumes would come off. I truly say to the minister that if legislation like this were in effect, I don't think a number of the employees who work in that particular environment would be there if they were aware of the dangers and aware of their right to avoid them.

I think this legislation in itself encourages many of these industries to clean up their acts. They are in the business of making money, I suppose, but at the same time those who are not too concerned about the safety within their plant would, I am sure, provide safer and more efficient methods of conducting their business.

I recall my employment as a student at a particular quarry. The workmen's compensation rates there I think would bear out my argument that a number of unsafe activities went on in this particular place. It wasn't that long ago that a fellow, by virtue I think of a very sloppy operation at the scales, was backed over and killed. I think that this legislation, if the spirit of it is effectively enforced and I am sure it could be if the government decided on that, would save many people from being involved in what I regard to be very, very hazardous activities. Your workmen's compensation involvement I am sure would bear that out.

The thing I am primarily concerned about, and I hope that the minister will think about this in the context of this legislation, is the spirit in which the employer will look at an employee who, under this legislation, opts out of what he or she considers to be a particularly dangerous activity. I am sure all members of the House would agree that many employers are only too willing to dismiss an employee who points out these dangers or who makes his concerns known to the proper authorities or is involved in a long and arduous workmen's compensation claim. All too often these employers look for the very thinnest and most remote excuse possible, and quite often these employees are then quite summarily dismissed for whatever particular cause the employer can come up with.

To that end, and while I don't have an amendment at this time, I would suggest that some sort of mechanism be devised to ensure that all employees in Ontario have

some form of protection from being unduly dismissed for recognizing what might be something that maybe would save somebody from a preventable injury, two, three, four years from now. I can only say, that if this legislation is passed—and I would urge that it be passed and implemented as soon as possible—it's going to save some claims at the Workmen's Compensation and more importantly, I think, a number of people from being involved in unfortunate accidents.

[9:00]

Mr. Ferrier: Mr. Speaker, I would like to begin my remarks by reading part of a paragraph from page 250 of the Ham commission report:

"Within the internal responsibility system at the company level, which is the key to the quality of the overall control of occupational hazards, there has been in many companies an inadequate opportunity for workers to contribute their insight to the assessment of work conditions and to the basis on which management makes decisions on issues of health and safety. The adamantly confrontational character of Canadian labour-management relations has deterred the creation of sensible arrangements for worker participation. Questions of health and safety are not suitable issues for collective bargaining. The commission has carefully defined a framework for the operation of joint labour-management health and safety committees as bodies contributive to the formulation and review of sound managerial policies and practices."

This bill incorporates the joint safety committees, and in so doing I think a very significant step is being taken. When part IX of The Mining Act was under consideration some six years ago, there was a strong appeal by the steelworkers and by those of us in this party to make safety a joint worker-management responsibility in the working out of that Act. Whenever we would make a point or move an amendment, the then minister, Allan Lawrence, would look down at Norman Wadge, who represented Inco at the time, and a gentleman by the name of Perry, who was with Hollinger, and every time they would nod their heads, the amendment wasn't accepted. As a result, safety standards and responsibilities in the mines were enshrined in The Mining Act at that time as the sole responsibility of management.

This bill makes safety a joint responsibility and states that the provisions of this bill will take precedence to those of any other

Acts of the Legislature. One of the things that always stuck in the craw of the steelworkers' representatives in my riding was a section in The Mining Act—in part IX, I believe—which said if there was a dispute over a safety matter, that management rights always took precedence over any other Act or anything that the workers said. So if there was ever a dispute that went to arbitration, it was always found in favour of management. I gather from section 11 of this bill that it will remove that overall prerogative that has been granted to management in The Mining Act and will now mean that matters can be arbitrated in this whole field if we get to that point.

I think this bill is meeting a long-standing need that has existed as far as The Mining Act is concerned, and I am sure a number of the steelworkers' representatives in my area will feel that there is a bit of justice finally being put into the Acts of the Ontario Legislature. The Labour Relations Act always had to take second place to The Mining Act, and now I gather this is going to be the Act that does take precedence as far as the mines are concerned.

Another thing noted in the Ham report is the fact that by joining the mines engineering branch with the environmental health group, we are now going to have some interaction between these two bodies of people; and that the professional people who had tended to stay with their own group, the mining engineers had intended to identify almost totally with the mining industry and the health people stayed more with their group of professionals. And now both groups will have to come together and there will be some interchange and some very significant discussion.

I think this is important as far as dust conditions are concerned in the mines. I would like to see some more consideration being given by the environmental health people to the whole problem of lung conditions in the gold miners. The gold miners are a little different than the uranium miners because there are a number of other conditions that develop, and they often develop much later in life.

The whole problem of chronic bronchitis is one that usually disables. I believe there are studies that show conclusively that if a person has been subjected to silica dust over a period of time and develops tuberculosis the silica exposure has been significant in the cause and effect. But this is not recognized yet by the Workmen's Compensation Board. The case of bronchitis in gold miners seems

to be significantly higher than it is in the general population, and this has been shown by studies—I think there's a man by the name of Higgins—I. T. T. Higgins and P. D. Oltem have found this out. There's another study referred to in the Ham commission, and I understand that South Africa also compensates gold miners for bronchitis.

I think that there needs to be—

Mr. Wildman: You mean South Africa is more progressive than we are?

Mr. Ferrier: In this point they have recognized something that we haven't yet. I'm hoping that the minister, being a medical person, will look into these studies and will see that these older miners do receive some kind of justice.

In the consolidation and in the responsibility that this Act gives to the minister is the transferring of The Silicosis Act under her jurisdiction. This should give her some leeway to look into the whole, broad field of chest conditions in all miners. But my particular concern is more the gold miners because that's the area that I come from and I've dealt with this problem for eight or nine years. If we can make a significant breakthrough there and begin to provide a much better sense of justice for them, I would be, of all people, the happiest there could be.

In carrying out the responsibilities that are granted to the minister under this Act, I hope that her colleagues in cabinet will make sure that she is given adequate staff to carry out those responsibilities. There has been some concern that has filtered through to me that to really do the job, there needs to be more staff in the mines engineering branch. I believe there's a move afoot to create a different degree of inspector—perhaps not the engineer, but another level as recommended by the Ham commission—so I hope that the Chairman of Management Board and others will see that she has sufficient funding to carry out this very important work that is being given to her.

I am pleased that the minister is finally getting the whole mines engineering section and the inspection of mines in her ministry. This thrust has been made by this party for the nine years that I've been in the House, and I think that now the branch is where it belongs. I think that in that branch, because of the interaction with people in the Ministry of Health and because it is a step removed from the Ministry of Natural Resources, there will begin to come a greater degree of objectivity than we have known in the past.

Ham pointed out very convincingly what many of us knew for a long time, that that branch was not doing its job; that it was just tip-toeing around and was catering too much to the mining industry and not protecting the worker.

I hope that with the new director in that branch and having it under the Ministry of Labour, it will make a very strong presence in the mines and will ensure that The Mining Act, as it presently is and as it will probably be amended a little later on in the next year, will be enforced rigidly to the benefit of the miners of this province. Because we certainly know that this is important. It would give a better working environment for men who work in a very dangerous industry where deaths and the serious injuries and industrial diseases that developed have been very high over the years. I suspect that a major number of compensation cases have come from this very industry.

I think that the permissiveness in setting up these committees—I believe, the minister has “may” and not “must”—is a mistake. I think it should be obligatory. There are some small companies where there are some very bad working conditions. In some of the forestry industry, some of the smaller jobbers and that type of thing, the accident rate is particularly high. I think those are some of the areas where workers must have a say. They must have a say, with the protection of this Act, that certain things are unsafe and must be changed and they can't be dismissed arbitrarily at the whim of some of those employers. Some of them are pretty tough individuals and it's the law of the jungle that prevails there.

It has been documented that some pretty disturbing situations have developed. One of them in my riding was the Johns-Manville Reeves mine. There have been a lot of major concerns about those workers and major concerns that they will be followed up. I hope that there will be provisions made for people who have worked in what later is shown to be dangerous conditions. Their medical condition should be followed up on a regular and sustained basis. I hope that the minister will make sure that is done.

As I say, there are some very good things in this Act. It does have its defects but it does answer some of the problems that I have wanted to see answered for quite a long time. And if the Act is administered firmly and resolutely and there does come the co-operation that is so necessary in the work place as far as safety conditions are concerned and the workers are given an

adequate say, I think that we have entered into a new era as far as this is concerned.

There are many things that other speakers in my party have said that could be done to improve it. But at least we've come this far after a lot of years of pleading. I'm pleased that we have made at least this progress.

[9:15]

Mr. Burr: I should like to speak very briefly on a subject which has been covered very thoroughly by many previous speakers. But one point perhaps needs some emphasis. Inasmuch as tobacco smoke is the most intense and ubiquitous form of air pollution, and there are undoubtedly some offices and other areas in many work places in this province where smoking occurs to the detriment of the health and well-being of passive smokers, I wish to ask the minister whether section 2 of this Bill 139, An Act respecting Employees' Health and Safety, gives protection to those employees who are unwilling to submit their lungs to avoidable air pollution.

When I was a teacher the problem of the smoky staff lunch room was solved by the provision of an alternative room for non-smokers. I should like the minister to consider whether section 2 does give passive smokers the protection many of them may insist upon, and if not, whether she would devise an amendment to make clear that employers do have an obligation to provide clean air for those employees who want it.

Minnesota has passed a law that states: “No person shall smoke in a public place or in a public meeting except in designated smoking areas.” The possible fine is \$100. And the Minnesota law also extends to offices which must be considered as non-smoking areas unless, as is unlikely to happen, all the employees smoke.

If anyone believes that all smokers will voluntarily refrain from smoking in the work place if asked, let me relate an incident that happened recently in an Ontario junior high school staff room. There are 26 teachers 13 of whom are smokers and 13 of whom are non-smokers. The non-smokers have previously asked for abstention from smoking during the staff meetings which last for about an hour to an hour-and-a-half and which all members of the staff, of course, are required to attend. Recently before the staff meeting, someone posted no smoking signs around the room and placed a copy of the non-smokers' bill of rights at each member's place. The results were entirely negative.

Interjections.

Mr. Burr: Someone described the results as "reeking of guilt, aggression, and paranoia." I quote from a letter reporting the incident:

"Every smoker who came into the room made a great show of lighting up. One went so far as to go out to his car to get cigars, which would, he said, be worse. Then the principal, a smoker, entered."

An hon. member: The principal smoker.

Mr. Burr: "He picked up the bill of rights and exclaimed loudly, 'I believe in freedom,' took out his lighter and held it to the paper. I have never witnessed such childish and ignorant group behaviour from adults." I am still quoting the letter. "I myself suffer from smoke and when exposed to it for a length of time easily get bronchial conditions and infections."

A few days later a yellow sheet was given to every staff member containing what I believe was a parody of the non-smokers' bill of rights, including this statement: "We insist on the right to smoke in a relaxing place (we have only one staff room) without constantly being told by those who choose to sit next to us that smoke bothers them."

So you can see from this that those who are compelled to be present in certain rooms or areas of a work place may be exposed against their will and at risk to their health, because of tobacco smoke which, as I said before, is the most intense form of air pollution. And if Bill 139 is to be a really effective bill, it must protect the health of non-smokers, or passive smokers, or if you wish to call them that, involuntary smokers. Thank you.

Mr. Deputy Speaker: The hon. member for Algoma.

Mr. Laughren: Another New Democrat?

Mr. Wildman: Thank you, Mr. Speaker. I rise to participate in this debate in support of Bill 139 although, as my colleagues have expressed reservations, I too have some worries about the bill. However, I welcome it as a shift, however reluctant, in the government's attitude towards workers' health and safety in the work place. Perhaps this is the beginning of moves that will eventually lead to the situation where workers no longer have to choose between their livelihoods and their lives, a situation which is one of the worst kinds of choices to give a working man in this province.

The government for a long time has tried to pretend that it is on the side of workers in this province. The fact of the matter, of course, is that although the Ministry of Health may have tried in the past, the Ministry of Labour and the Ministry of Natural Resources have never of their own volition taken measures to improve safety in the work place. It's always taken a fight on the part of the workers or on the part of the unions, or bad publicity, before the government would move.

Mr. Laughren: Exactly right.

Mr. Davidson: Don't shake your head. It's true.

Mr. Wildman: I can point to a couple of things that indicate the government's attitude in the past. The attitudes expressed and shown by the Workmen's Compensation Board really demonstrate the attitudes of this government towards workers in this province. I have a quote from a release issued by the Workmen's Compensation Board—and this relates to the principles of the bill, because hopefully this bill will cut down on the number of compensation cases, if it operates correctly. It says here:

"If you are a miner, a construction worker, a hospital nurse, or a farm hand, you will be well looked after in the event of an accident on the job."

And it goes on to say:

"Injured workers are sure of getting the benefits to which they are entitled promptly and with a minimum of formality."

That's the Workmen's Compensation Board release—

Mr. McClellan: Must be some other jurisdiction.

Mr. Wildman: When I read that I must admit I had a hard time understanding whether or not they were referring to Ontario.

Mr. Davidson: What about all the appeals?

Mr. Wildman: The fact that there are so many Workmen's Compensation cases in this province indicates that that is just pure hogwash. The fact that we have so many cases relates directly to the fact that the various ministries involved in workmen's health and safety have not ensured that the worker is protected and safe in his work place.

The government has never really protected the workers and quite often when they are hurt, especially if it involves a permanent disability, the Workmen's Compensation

Board doesn't provide them with the benefits to which they are entitled. Injured worker after injured worker in this province has to fight for his rightful benefits, especially if it involves a permanent disability. If it's a temporary disability, it's not so tough. But if it involves a permanent disability, he has a terrible time to get benefits that he should have received immediately.

An hon. member: Appeal after appeal.

Mr. Wildman: Right, one appeal after another. They have to go to unions, to doctors, to MPPs, to lawyers, to intercede in appeals, letters and phone calls to the board simply because they can't obtain the benefits to which they are entitled, or because benefits are delayed that they should be getting and the board has said they will get or, as I have found in my short period in this House, on many occasions the board has lost their file.

I just hope that this bill we are discussing today will do something to get rid of the problems of workers who have been injured and so we will have fewer injured workers.

Last week, in the discussion of the estimates of the Ministry of Labour, a number of comments were made about the difficulties workers have in getting protection in this province. I pointed out the situation in Wawa, where a number of miners have been informed by the Ministry of Health that they have silicosis or will contract the disease if they continue to work underground. They've been advised by the Ministry of Health that they shouldn't go back underground.

They've been unable to obtain Workmen's Compensation benefits because, according to the board, their cases are not serious enough. The board has advised them to work again for another year and to be x-rayed in another year and, if their condition has deteriorated then, to reapply to the board for benefits. This is even after their own family physicians have advised them not to go back underground. I just have a very difficult time accepting that this government really cares about workers and injured workers in this province. If this bill means there's a change in their attitude, then I salute it, but somehow I'm sceptical.

In essence, the board is telling these particular workers to continue to work, to become even more ill than they are now and then to reapply and get compensated for becoming ill because of government order. That's how well the government's Workmen's Compensation Board has looked after workers

in this province up until now. The minister shakes her head. I can give her the eight cases. I'll send them to her tomorrow.

Hon. B. Stephenson: Just give me the letter from the Workmen's Compensation Board that says what you said they said.

Mr. Wildman: I have a copy of it. I will be quite willing to give a copy to the minister of the letter which states that "your condition is not serious enough. We advise you to be re-examined in one year."

Hon. B. Stephenson: They don't tell them to go back underground.

Mr. Wildman: Where on earth else are they going to work?

Interjections.

Mr. Wildman: I'm sorry but when they live in a place like Wawa where the major industry is Algoma Ore, where the major industry is an iron ore mine, where else are these people going to work? It's an interesting concept the minister has.

To get directly to the bill, one of the good things about it is that it consolidates jurisdiction over workers' health and safety under the Ministry of Labour. Although sometimes, considering the minister's latest remarks, that may not be a good thing, this is something that we in the NDP have advocated for a long time and it's taken a long time to come. The reason this is a good thing is that at least the miners will no longer be under the jurisdiction of the Ministry of Natural Resources. At least they won't have to depend on the Minister of Natural Resources (Mr. Bernier) to look after their interests because in those cases it was hopeless.

If the Ministry of Labour continues to operate in the fashion exemplified by its lack of action in the past or the attitudes of the minister in this House or the attitudes of the Workmen's Compensation Board when it refers to permanent disability, then I'm a little sceptical that the new branch of occupational health and safety will be effective in implementing the other provisions of the bill. The main provisions of this bill seem to have come as a result of the Ham commission's hearings and its report. I think that's a very valuable report and one study that should have been implemented long ago. It's a good thing that we finally had an independent inquiry into the whole problem of miner's safety.

The Minister of Natural Resources and the government, however, have tried to give the impression that the commission was set up

willingly by the government because of its concern for miners' safety. In fact, it took many years of struggle by workers in this province, by miners in this province, especially the miners in Elliot Lake, and many years of protest by members of this caucus, especially by the member for Sudbury East (Mr. Martel), who deserves a great deal of credit, before the government moved for the fact that there has been any move by the government on this matter.

I want to refer to one gentleman who really deserves a great deal of credit in bringing about a change in attitude on the part of the government. That is Gus Frobél, who has been mentioned earlier in this debate and who is a miner in Elliot Lake. After a long period of struggle, he was able to receive compensation for lung cancer. It was the beginning of the recognition of the problems in Elliot Lake.

[9:30]

As is well known here, the problem of silica as a component of dust in the mines in this province is a very serious one. In Elliot Lake the ore bodies contain some of the highest silica content in any mines in the province. Since Gus Frobél, a large number of uranium workers have been identified as having contracted cancer as a result of working in the mines. Since the end of 1974, according to the Ministry of Natural Resources' own figures and the Workmen's Compensation Board figures, 81 of those miners have died—81.

Gus Frobél is one of the three or four who are left. He was the first and he is the last, it appears, of that group of workers. I think Gus has demonstrated his desire to ensure that this doesn't happen to anyone else by the fact that he remains in Elliot Lake as a symbol of the serious situation that workers in the mines face in this province and especially in Elliot Lake.

To give an example of the way this worker views his situation and the situation of miners in general in this province, I would like to read a quote from an interview with Gus in the Sault Star recently where he said:

"Many thousands of years ago when civilizations began, men went out hunting and one fell into a hole. He called 'Watch out!' to the others behind him. I am the one who got it and the least I can do is call out 'Watch out!' to the others."

This man is there as a symbol of the callousness of the industry and of the ignorance or lack of action of the government. And he is not willing to just take it and because he

wasn't—not because of the desire of the government to do something about the situation—we now are starting to do something about the problems in Elliot Lake. It is because of men like this and because of the work of the United Steelworkers of America that this government has suggested in this bill that workers be given the right to refuse to work under unsafe conditions.

I don't really think that it's because this government suddenly changed its views on everything. If it did, it did because the evidence was so great that they had to move. And the evidence wasn't collected by themselves of their own volition. It was collected by people in the work place. It was collected by the unions and it was collected by members of this caucus and it had to be thrown out to the industries and to the ministries before they moved. The fact that they have moved I welcome but I wonder why it didn't come a lot sooner. I wonder whether or not their attitudes have changed enough to make this legislation effective once it's passed.

There are a couple of things that I question in the bill. I wonder, if this bill is the result of the Ham commission report, why the provision was put in that the workers would be allowed to accompany inspectors. I welcome that but I wonder why the government didn't accept the suggestion that we have permanent worker auditors who could take time off work to inspect the situation on a permanent basis and with their regular pay. I would hope that the government would consider accepting that provision.

Also I welcome the provision in the bill that sets up health and safety committees. Again I would like to see it mandatory. I wonder why there is the suggestion in the bill that these committees should meet not more than once a month. What if you have a situation like Matachewan and they were only allowed to meet once a month?

An hon. member: The whole town?

Mr. Wildman: United Asbestos; I don't mean the whole town. It's an interesting point! I am sure they could meet more than once a month if you were talking about the town, but what about the company? If you had a situation like that and they only meet once a month, why is that provision there? What is the purpose of it?

If the situation is serious surely the health and safety committees can meet as many times as is necessary to analyse the situation and to make suggestions on how to improve it? I am sure that would be in the interest not only of the workers but also in the interest of the company. For that reason, I

will be supporting amendments that will be suggested by our caucus at the committee stage.

Mr. Laughren: I'm glad to hear it.

Mr. Wildman: I am glad you are here listening to me.

I do support the bill because, as I said before, it at least looks as if the government is moving away from its alliance with capital in this province, who maximize profits at the expense of the lives of the working people in this province. But I would just like to end, Mr. Speaker, by emphasizing I suppose the bill only is a first step and not as a final be-all and end-all in health and safety in this province.

The situation we have in this province, Mr. Speaker, results, as Mr. Frobels says, because there is a smell of money in the air. The reason there was such an emphasis on development, with so little regard for safety in Elliot Lake, was because the companies knew there was a market and that's what matters.

Mr. Laughren: Has the minister ever met Mr. Frobels?

Mr. Wildman: Mr. Frobels says, "Before it was the cold war, now it's the energy crisis. The only difference is that now we have 90 dead." And as he says at the end, "It's the widows I feel for, that's where my heart is. You have to do your own battle. That's the only way life becomes meaningful. The miners have to stand up and fight for what they need."

And that's indeed true. If the miners hadn't stood up and fought for what they needed, we wouldn't have even this bill yet. It is to these people, Mr. Speaker, that we owe this legislation, not to this government.

I support it as a first step to ensuring that we don't have any more Gus Frobels in this province.

Mr. Breagh: I imagine by now the minister is a little upset that so many people this evening are choosing to speak to the principles of this particular bill.

Hon. B. Stephenson: Not in the least.

Mr. Breagh: Let me say I enjoy her discomfort immensely. And I think it's time that she recognized very clearly that the reason we are here—

Mr. Laughren: It's a class issue. That's why. A class issue.

Mr. Breagh: —to speak this evening on the principles of this bill is because it is the very principles of the bill that are vital to us.

It has taken so long to get this far in the province of Ontario, and the principles that are enunciated in this bill are so important to us, that we feel it is worth spending the time on it. I am sure the minister doesn't object.

Mr. Davidson: It took you that long to get here.

Mr. Breagh: We see so many of our brothers and sisters, the people we work with, the people we live with, so directly affected by the principles that are laid out in this bill, that we think it is important that we spend time on it.

One of the things that's curious—and I think we should emphasize that point—is that the principles of the bill are even more important than the mechanics of the bill. You see, the mechanics are not any kind of a final solution at all, but the principles enunciated in this particular bill are very important. They are the first major response, in legislative terms, from the province of Ontario to that Ham commission report.

One of the things I found very interesting was that one of the very first major statements by the minister, after that report, was made in an address to the International Association of Industrial Accident Boards and Commissions. A couple of things are interesting about that.

First of all, the fact that the group she chose to address—and I don't imply that she wouldn't talk to the workers or anything—

Mr. Laughren: Oh no.

Mr. Breagh: —but that particular group was important. The second major thing that is interesting about the address was that it was made in Biloxi, Mississippi. Now, I can't think of a better place to talk about the health and safety of Ontario workers than Biloxi, Mississippi. Frankly, those laws about Ontario workers look a hell of a lot better in Biloxi than they do in Matachewan. I don't blame the minister for getting that much distance for the fallout that's in there.

What I thought was impressive was the things she had to say which are certainly reflected in these principles. I want you to listen to this very carefully because this is a direct quote, and see if you can recognize the body identified in here.

"The board is now taking an active role in the battle against the medical mysteries in the occupational health field." Now catch this line: "The board is now similar to a forward command post marshalling the forces of medical expertise." I'm glad that was said in Biloxi.

I want to just put one other small matter on the record from that very same speech because I think this is quite worthwhile.

Mr. Bain: You didn't think anyone would read that speech, did you?

Mr. Breagh: It's bordering on the unique because it says, and I want to quote this one line: "The board has developed a plan—a plan to remove employees from the hazardous work environment—" I'm not sure whether that removal will be by the Krauss-Maffei system or just ordinary buses. And the last part of that line is important—

Mr. Davidson: The plan is very simple; you drop dead on the job. That is the removal process.

Mr. Breagh: —because it says; "particularly before the risk of a disease becomes serious." Not afterwards; not after you've gone through the Workmen's Compensation Board and the appeals and the medical sources have gotten together and the expertise is out there. It says right here that they now have a plan to remove employees from the hazardous work environment, particularly before the risk of a disease becomes serious.

Mr. Laughren: Dr. McCracken wrote that speech.

Mr. Breagh: That's good stuff and I welcome that from the minister. That's an important statement; that's an important principle to be enunciated, even in Biloxi, about Ontario's health and safety work record.

Mr. Laughren: Unfortunately, it is not true.

Mr. Breagh: And I think a substantial change is in the works. I really think that the principles of this bill are really so very important because too much of the legislation that we've had in Ontario is really quite good legislation if you're reading it somewhere else in the world. It only looks bad if you're here in Ontario seeing that legislation at work, seeing how it's implemented. That's the only thing we have wrong in a number of areas.

Let me quote another international source, since the minister chose to go to Biloxi. This one was not quite such a glamorous spot as the Broadwater Beach Hotel in Biloxi, Mississippi. This one was done at a place called Black Lake in Michigan. There was a slightly different crowd at Black Lake, which happened to be a UAW conference centre. Let me point to a couple of prin-

ciples that are there. They were enunciated at that particular conference and I think they are inherent in this particular bill, a substantial change in Ontario.

"The elimination of pollutants in the plant has always been the goal of the labour movement. The growth of the environmental movement has focused attention on the long-term health effects of occupational chemical exposures and has spurred new effort on the part of many unions, including the UAW, who have included new safeguards in our contracts, trained safety and health committee men and expanded our professional staff. But the problems go beyond what labour can achieve in collective bargaining, or solely with its own forces in the political area."

That's important stuff; that's a response from another side of the coin, and I think an important one and certainly a very valid one for a number of people.

Let me just quote another small line. Two small quotes from each side, if you want to put it that way:

"The corporate executive's message to workers who complain about health and safety conditions often is, 'Keep quiet or we'll have to shut down.' The reality is that they seldom do shut down and when plant closures do occur that are attributed to safety enforcement, closer investigation often reveals that the operation was old, outmoded and unprofitable for other reasons. Yet to a worker worried about losing his or her job, health and safety blackmail can have the same devastating effect as environmental blackmail."

That's important stuff to get on the record because that deals with the principle of this particular bill.

Mr. Laughren: Did the minister say that?

Mr. Breagh: No, actually the minister was not the one who said that. I should quote the source; it's a fellow by the name of Leonard Woodcock, who might know something about workers because he represents a few of them in the United Automobile Workers.

[9:45]

That's the context in which this bill has to be viewed. Very simply, why is this bill before the House now? Why are these principles being enunciated? Why is there this new plan? I'd like to think it was the result of a conscientious person thinking through what should be done. I'm afraid that I'm cynical enough to say that it's probably because it's a very hot political issue, because

it affects a number of people, because the case has been made substantially day after day in this House over case after case of very real people experiencing very real problems.

Mr. Davidson: And more yet to come.

Mr. Breaugh: A lot of public pressure has been there for some time. I welcome the change in attitude on the part of the government from last spring when, in a number of cases when problems were presented before the House, they were pooh-poohed. The government would say things weren't all that bad and of course the workers were wrong and they didn't have their facts straight and you're wrong again. The tabling of that Ham commission report was a substantial change in Ontario's history. If you like, it might very simply be the matter that a third party had intervened and said essentially the same thing that a number of other people had said for a great many years.

There are problems inherent in adopting the principles in this kind of legislation. Not the least of them is all of what I think Mr. Woodcock referred to as "the environmental and occupational health blackmail" that goes on. It's a question of jobs. Will you throw the jobs out the window if you try to get somebody a safe place to work?

Mr. Laughren: Shades of Leo Bernier.

Mr. Breaugh: There are some very real costs involved in doing this kind of work because once you set up the kind of mechanism that's laid forth in this bill, then that means you can't bury it forever. You really must do something about it. You're setting forth mechanisms here to identify unhealthy practices. I think that once you have done that—once you have bitten the bullet, you have turned the corner, you've said that we're no longer sweeping those under the rug, we'll not only just identify them, we'll now do something about them—that's a substantial change.

I wonder how relevant it is to ask those people to do that kind of research—to keep those kinds of records. For a number of them it's possible. A number of them probably have as much expertise in that field as anybody, but a number of people in other work places don't. That causes me some problems. Who's going to do the analysis of all this investigation that takes place? Are we really raising people's expectations to a height that this legislation won't fulfill? And to be very blunt about it, is this government raising those expectations to a point that they're not prepared to carry through? That's the crucial point.

There are a number of work places that don't have the resources to take this kind of legislation, these kinds of principles, and do a bang-up job with them, and we have to recognize that. There are some very real problems with how realistic, how practical, this legislation is. Is it really a practical approach to the problem itself? It may be. I suppose we'll have to wait to see the first person who refuses to go into an unsafe work place.

But I think the principles enunciated in this bill retain something that's perhaps not too favourable at all, and that's an adversary system. Somebody will have to object, and a committee will have to look into it. Someone else will have to investigate it. What happens to that worker during that time? It sounds simple enough. It might take a day. What happens if it takes three years? It might, before someone makes that decision.

I wonder what will happen when the first problem about asbestos workers comes to the fore—when they say no. My difficulty with that is that I've got people in my riding who work in Johns-Manville. They've been investigated and they've had all kinds of public spotlights and all kinds of medical research, and I know that some of them are still working there.

I know one lady in particular who rather breaks my heart because her husband died there. She's 54 years old and she can't get a proper job and she's got some teenage kids to raise, and she was one of those who missed out on the last go-round with the Compensation Board making awards. That's tough stuff to put out. It's very tough to sit in her kitchen and listen to her problems and try to explain the process that's there.

In Ontario it's a long and a complex and a cruel system that's at work, and there isn't very much enunciated in the principles of this bill that substantially alters that approach. The approach remains roughly the same. It simply recognizes there are some valid principles, some very simple mechanism, to put to work in the work place.

One of the things that bothers me about the bill, frankly, is that it still says that something must be wrong before anything can be done about it. Essentially, that's the problem. Why does something have to be wrong in the work place before we're prepared to look at it?

The other evening I had a rather pleasant dinner with some people from General Motors who were outlining their plans for automobiles in North America. They were design engineers. I was really impressed with the amount of time, money and effort they spend

analysing, building models and doing all kinds of tests with things.

They had comparisons of diesel engines, gas-fired engines and battery-powered engines. They had broken it down to such a degree that they were making estimations or cost counts on whether it would be a better use of the oil resource to build cars as we now have them or to run battery-powered cars. They had that down to a fine art—all of that caution so far in the future—and frankly admitted that most of the projects they were working on wouldn't be in production for at least 20 years.

They were prepared to go to that length to look at a product—to see how it would market, to see whether it would work, to see whether there would be alternatives. They have entire staffs of people working on it.

Mr. Davidson: Do they spend that on their people?

Mr. Breagh: Who is the guy that does that same kind of analysis on the chemicals that are used, on the materials that are used, on the kinds of machines that they use, on the kind of job training that people need before they can function safely in that work place? Who does that? Nobody.

That's the tragedy we're in because of this great free enterprise system that we have. Large corporations are not shy about spending money. They are prepared to spend it for marketable materials. The principles of this bill say that's okay. The principles of this bill say, in effect, that something must be wrong and then we'll set up a mechanism to look after it. That's a basic fault in the bill and it's a basic change that must come in the philosophy in which we deal with all of this.

An hon. member: It's a cover-up bill.

Mr. Breagh: Those are a number of basic problems. In effect, what I am saying about this bill is very simply this: Those people who up until this time have negotiated safety in the work place, those organized units that have the people and the expertise to do it, will welcome this as being a very practical and easy step to put in. I'm not so sure that it's even relevant to a number of people in the working situation in Ontario. I'm not so sure that a great many people in small plants can take the principles enunciated in this bill and apply them on a workable day-by-day basis.

I have to put this position before the House. As a member of this Legislature, I can't say that I think that the Minister of Labour is an untrustworthy soul. I can't infer

that she doesn't always tell the truth. I can't say that she's misleading the House. By the very nature of the Legislature, I have to accept on good faith that this is a trusting situation and that the principles enunciated in this bill will be carried out by her ministry and by that government.

I feel very uncomfortable with that position. I would like to quote some comments that I heard in my constituency office on Friday afternoon about her ministry, but there isn't very much of them that's in parliamentary language. There are a very few words, but if we took out the unparliamentary language there wouldn't be very much left.

There is not a matter of trust. There is a very real fear in the work place these days that bad things are happening and we are not too sure how to deal with them. I am not very certain at all that the principles enunciated in this particular piece of legislation go very far to allay those fears for very many people.

There is a need, as this bill moves through the House, for the bill to be strengthened. More important than that, what I want to hear this evening, or whenever the minister wraps up, is a very firm commitment. If she cares to, the minister can pour it all over the benches here that we're all very cynical people, that we don't trust her enough and that she is prepared to jump up and down and yell and scream for the principles of this kind of legislation. I would welcome that. I'd love to hear the minister do that at great length.

I want to hear a very firm commitment on the part of the government to carry through with the other part of that plan that was mentioned in Biloxi. I want to see the rest of that stuff. This is hardly enough to make it a safe work place.

Mr. Davidson: It was never enunciated in Ontario.

Mr. Laughren: Did you say Biloxi?

Mr. Breagh: Biloxi, Mississippi. Lovely Biloxi.

Hon. B. Stephenson: Biloxi.

Mr. Breagh: I have never been there, unfortunately.

Hon. B. Stephenson: Neither had I before.

Mr. Davidson: Not only that, he never made a speech.

Mr. Laughren: Is that anyplace near Plains, Georgia?

Mr. Breaugh: Mr. Speaker, I want to end with a few little comments. One of the things in the principles of this bill is very clearly the recognition of a problem that has been in Ontario for a long time, but the principles are very simple and very short-term ones that will deal with one very small portion of that problem. There are a number of other things that must come if it's to mean anything.

I think that the intent of the bill is appropriate for sure. It's long overdue but it is appropriate. The principles of the bill are fine as far as they go, but they are very short-term and are very limited. It's probably a reasonable approach if I hear some firm commitment. In terms of legislation, it may be a reasonable approach but we need much more than that. We need much more than the minister's assurances in the House. We need finally to see the labour laws in Ontario protect the worker in the work place before something happens to him.

The principles put forward in this bill make us accept really on a matter of trust that the government is now prepared to do what it says right on the front cover of this bill, to put forward An Act respecting Employees' Health and Safety; that it will carry forward a programme that is far more comprehensive than what we see in this particular bill and that it is prepared to change an attitude of governing in Ontario that has been substantially lacking in this particular field for a number of years.

I trust the minister. I trust her tonight. It's probably the first time I have ever done that. I hope I haven't made a bad mistake in supporting this kind of legislation but we are in that position as members of this House that when the government proposes legislation we have to say they mean what they are putting forward in terms of legislation, they will carry it through and they will bring in more legislation, if necessary. Perhaps more pertinent is the fact that they will actually take the words on this paper and make them work for the people in Ontario.

Mr. Riddell: As the spokesmen in this party who have debated this bill have indicated, we certainly support Bill 139. I wasn't going to have anything to say about this bill because I am not all that knowledgeable about labour matters. But when I sit and listen to the nonsense and the repetition that is taking place on this side—

Mr. Davidson: Stay on the farm, Kojak.

Mr. Cassidy: The anti-labour member for Huron-Middlesex.

Mr. Deputy Speaker: Order, please. The hon. member for Huron-Middlesex has the floor.

Hon. Mr. Rhodes: You have them cackling now.

Mr. Riddell: —I just feel that I have to make some comment and remind my friends in the NDP that in November, 1970, the member for Welland South moved an amendment to section 161 of The Mining Act.

Mr. Samis: We went through this.

Mr. Davidson: You missed that.

Mr. Cassidy: You are being repetitious.

Mr. Riddell: That amendment stated that a safety committee shall be established for every mine, comprising equal representation from management and labour—

Mr. Samis: Read Hansard.

Mr. Breithaupt: We have listened to 20 of you; now you can listen to something from us.

Mr. Riddell: —and the committee is responsible for ensuring that the safety provisions of this Act are complied with and shall forthwith notify the minister and the district mining engineer of any act or injury to any workmen occurring in or about the mine.

I want to tell you, Mr. Speaker, that the NDP voted against this amendment.

Mr. Laughren: On a point of order, Mr. Speaker.

Mr. Deputy Speaker: Point of order, the hon. member for Nickel belt.

Mr. Laughren: Thank you, Mr. Speaker. I really feel that it is incumbent upon me—

Mr. Deputy Speaker: What is your point of order?

Mr. Laughren: —to remind the member who is speaking now that—

Mr. Good: That is no point of order.

Mr. Laughren: It is a point of order. The member is introducing it into the debate. In the 1970 debate the amendment that was put forward indicated that the safety com-

mittees would supervise the safety provisions.

Mr. Deputy Speaker: That is not a point of order.

Mr. Good: You weren't even in normal school then.

Mr. Deputy Speaker: The hon. member for Huron-Middlesex has the floor.

Mr. McClellan: Political fakery.

Mr. Riddell: If I may continue, Mr. Speaker, I simply want to indicate that we were in favour of establishing a safety committee as early as 1970 and we didn't receive any support whatsoever from the NDP.

Mr. Ferrier: The committee had no say at all.

Mr. Mackenzie: You have lost the battle.

Mr. Riddell: Then following that amendment, the member for Welland South introduced a private member's bill, An Act to provide for the Establishment of Safety Committees. The bill was debated in the House and I will say once again the NDP supported it with reservations.

Mr. Laughren: Is he in order, Mr. Speaker?

Mr. Mackenzie: What about the bill?

Mr. Riddell: In connection with the bill, we commend the minister for bringing in this bill.

Interjections.

Mr. Riddell: One would think to listen to the NDP people that they were responsible for introducing the bill and that they consider it to be the greatest thing since sliced bread.

Mr. Nixon: That's what 20 of them are trying to say.

Mr. Laughren: That's an original line.

Mr. Kerrio: It doesn't have to be original to be appropriate.

Interjections.

Mr. Riddell: The intent of this bill is to put The Construction Safety Act, The Industrial Safety Act and sections of The Mining Act that relate to safety in mines under one ministry.

Mr. Davidson: It is always nice to have a farmer who knows about labour.

Mr. Riddell: This is something that we in the Liberal Party have been proposing for some time.

Hon. Mr. Rhodes: Where have you been?

Mr. Riddell: The minister stated: "As members know, my ministry is now responsible for The Industrial Safety Act and The Construction Safety Act. With the transfer proposed in the new legislation, responsibility for all occupational health and safety legislation will reside in the Ministry of Labour. The division will be headed by a person having the status of an assistant deputy minister with whom my deputy minister and I will have close and continuing contact. The person appointed will have administrative responsibility for all of the statutes to which I have referred. I shall be announcing the name of the appointee at the earliest possible date."

Here again this is something that the member for Welland South has been asking for in a direct or indirect way for some period of time.

Mr. McClellan: Where is he tonight?

Mr. Riddell: We are very pleased to see that the government is now adopting some of the principles of the Liberal Party, for the Liberal Party has certainly taken this position for some time.

Interjections.

Hon. Mr. Kerr: Liberal who?

Mr. Deputy Speaker: I'm wondering if the hon. member for Sault St. Marie has a point of order?

Hon. Mr. Rhodes: Yes, Mr. Speaker, will the hon. member tell us who is the member for Welland South? I can't find him here and I'd like to commend him.

Mr. Deputy Speaker: That's not a point of order.

Hon. Mr. Rhodes: I apologize.

Mr. Deputy Speaker: I think he is referring to the member for Erie.

Interjections.

Mr. Riddell: Might I just remind the Minister of Housing that at the time he introduced the bill or the amendment he was the member for Welland South, but I understand since redistribution, he's now the member for Erie. His name is Ray Haggerty.

Mr. Deputy Speaker: And that's not the principle of the bill either.

Mr. Good: He is speaking to the point of order.

Mr. Riddell: Yes, I am speaking to the point of order.

Mr. Good: And that was back when the Minister of Housing was still a Liberal.

Mr. Riddell: I have some other comments I wanted to make on this bill but I want to give the minister a chance to respond. The only thing that bothers me is that we should have more funds made available for research into occupational health. I think the minister did indicate in a speech that funds would be available through the Wintario grant. It seems to me a shame that we have to play around with the lives of people in order to wait for somebody to buy a Wintario ticket.

Mr. Laughren: It's the Provincial Lottery.

Mr. Riddell: All right, the Provincial Lottery. It's still a lottery and we have to wait for somebody to buy a ticket in order to conduct research into occupational health.

I really got up to indicate that this isn't a novel idea that the minister has brought in. It's been an approach that we've taken now for five or six years.

Mr. Davidson: They keep putting time limits on it.

Mr. Riddell: The NDP would not support us on this endeavour until now and now they think they've got something that they can support.

Interjections.

Mr. Riddell: I hope we will now give the minister a chance to respond without having the NDP further filibuster this bill just for the sake of sending copies out to their constituents.

Mr. Deputy Speaker: The member for Fort William.

Mr. Maeck: Tell us something we haven't heard.

Mr. Angus: Thank you, Mr. Speaker. I would like to say at the start that I don't plan on a filibuster. I plan on speaking to the principle of this bill.

Interjections.

Mr. Angus: If I can use the words of my colleague, the member for Sudbury, this bill

is the thin edge of the wedge. We need to assist the workers in this province to be protected, to ensure their work place is safe and that they have a happy work life.

Hon. Mr. Rhodes: I believe Bud is the only one who worked in your caucus.

Mr. Davidson: I object.

Interjections.

Mr. Angus: Mr. Speaker, will you constrain the group?

Mr. Wildman: Which Bud?

Mr. Angus: With particular reference to the section which relates to the safety and health committees that may be established. I would like to suggest that what my colleagues have been talking about today and yesterday has been a matter of trust—a degree of trust. The record of this government is one that we cannot trust. The minister has the discretion of establishing committees if the minister desires.

Mr. Riddell: You people only endorse yourselves.

Mr. Angus: It should be mandatory and let me tell you why, Mr. Speaker. The Ministry of the Environment a year and a half or two years ago or even longer passed certain Acts related to the protection of people in general from intrusion on the environment. They haven't had the decency to enact all the segments of those pieces of legislation or to declare them. In other words, they are not in use. They are not effective. They mean nothing.

There has to be trust and with the record the government has had over the past number of years, we do not have that trust. That is why we want to change a particular clause in this bill to make it mandatory for safety committees and health committees to be established in all plants over a certain size. I think the comments related to whether it should be 10 or two or whatever, but there are a lot of cases where there are plants that do employ only eight or 10 people which are environmentally unsafe for the workers.

I can recall some of my days in the construction industry where we tended to tolerate conditions because those were the way the conditions always were. While we might have grumbled a bit, we never did anything more than that. We didn't learn about the effects of road dust on construction workers or the effects of concrete dust or cement powder on workers who come in contact with it. We just thought that that was there and that was the kind of situation that we had to

put up with if we wanted to earn our living in that particular field. I think the comments relating to that aspect in the mining industry—especially about whether or not the workers should ever go back underground—are appropriate.

Mandatory health and safety committees will provide workers with a vehicle for understanding what is happening to them. Obviously these committees will be looking into research available on all aspects of their environment—whether it be suspended air particles or toxic substances that they use in the work place, whether it be noise, whether it be light, or whether it be psychological conditions. They are going to learn about them. They are not just going to sit there and have a meeting and adjourn a minute later because there is nothing to discuss. They are going to want to learn and it is going to give them an excuse to do so and I think it will be to their betterment.

Another section of the bill relates to an employee being able to have what I would consider a witness participate in the inspection—it's section 3(3), referring to the investigation by an inspector or engineer. It provides for a safety representative, a committee member who represents employees, or a person authorized by the trade union that represents the employee.

If none of those three exists then the individual who has registered the complaint, and is concerned about his work environment, has to go it alone. I think that person should be able to bring a third party, either quite possibly his particular member of the Legislature, or an individual who can act as a third party, a representative, to understand what's happening. So in terms of the safety committees and the concept of making all available research accessible to the committee and to the worker, I think that will go a long way to assist in cleaning up the environment of the work place.

I think, too, if in particular instances, such as in the area of noise levels, permanent noise monitoring equipment was installed in the high-intensity areas, that would be a natural function of safety committees to pinpoint these particular aspects and to ensure they are brought about. I hope the ministry will accept that kind of approach and direct the companies to consider it as well.

The bill should speak to the total work environment. It should speak to the air problem—the air that the worker is in—whether it be inside a building or the external air, the noise levels, the noise pollution, the chemicals that they work with, the psychological

aspects of close concentration work that may have an effect on the employee's health and his future ability to work. Well, there is an old saying that what you don't know won't hurt you. But I think the more we know and the more the workers know, the better off we will be and the better off the province will be.

Section 5, subsection 3, relates to a maximum of one-a-month inspections and I think that section is disgusting. I think the inspection should occur whenever necessary. I think there should be a minimum of one month inspections. I think the inspection should occur whenever the inspector or an individual requests it. In addition, when an employee leaves the work place because of what he or she considers an environmentally unsound situation, then I believe that reimbursement should continue until the matter is settled and a decision has been reached. I don't think the worker's income should be jeopardized by the fact that he has had the courage to speak up for his rights.

Two of my colleagues, the member for Durham West and the member for Windsor-Riverside, bravely mentioned the problems of smokers and non-smokers and the effects. I would like to take their comments a little bit further, again going back to my own past experience in the work field. There are areas in business where there is an abnormal concentration of cigarette, cigar and other types of tobacco smoke.

An hon. member: The political back rooms.

Mr. Angus: Aside from the political back rooms. I am talking about the hospitality industry—the bars and lounges of this province. I, for one, having worked in such a facility, found myself becoming acutely sick, violently ill, because of the high level of cigarette smoke. I will tell you the option I took. I got out.

This was a number of years ago. I decided I could no longer do it because my health would not stand it. What about those individuals who are making bartending or bar managing a career? Will they have the option under this Act to say this work environment is environmentally unsound and that something has to be done? Probably the only approach would be permanent installation of exhaust equipment to protect the workers.

The whole area of suspended air particles and the effects upon the workers is almost similar to the invisible hazards of radiation that one obtains in certain sectors of certain

industries. But in the grain industry, in the wood industry, in road construction where there are heavy concentrations of suspended particles in the air, while they can see them they just sort of think that they're there and that they're really not doing any harm, even if they go home and they're coughing and the mucous that is ejected is black and filthy. We have to ensure that those people will have the same rights to object to their work environment and to ensure that it be cleaned up—that they are protected and their families are protected on their behalf.

I think too that we have to address ourselves to the situation where particles can be transmitted from the work place to the residence of the worker. For instance, there's a circumstance in my riding where a wafer-board plant, after initial startup, required its workers to change clothing and to shower before going home, thereby keeping all the contaminants—the wood dust—in the plant. I was very frustrated to learn that about six months ago they instructed their employees to discontinue that practice, with no justification at all. I think that we have to look at the work place and the home in terms of what goes from the work place to the place of residence and what effect it has on the families of the workers.

Last spring I raised a number of issues by letter and in this House related to suspended air particles, particularly with reference to the rate of respiratory diseases in the Thunder Bay area. I think that they exemplify the kind of problems that exist in our industries. As you know, because the information actually relates to your riding as much as it does to mine and to that of the member for Port Arthur, there were 37 per cent more deaths in Thunder Bay due to acute respiratory infection than the provincial average. Twice as many people suffering from acute respiratory infections were admitted to Thunder Bay district hospital than the provincial average.

Since that time I have received correspondence from Lynn R. Munro, executive officer, I assume, to the Minister of Health, with two documents. One has "the total separations from the district of Thunder Bay and the province of Ontario discharged with a primary diagnosis from the section diseases of the respiratory system and malignant neoplasm of trachea, bronchis and lung, 1975." The separations for the diseases of the respiratory system, the rate per thousand population in Thunder Bay district is 26.4.

Mr. Deputy Speaker: I think that information would be more properly brought to the

attention to the Minister of Health (Mr. F. S. Miller), rather than the Minister of Labour.

Mr. Angus: I appreciate the comments, but I'm speaking to the principle of the bill and relating to situations that do exist. What I was going to do after I provided two more basic items was to relate it to the need for all-encompassing research into the areas of occupational health and to point out that there is material available from the Ministry of Health that can point to regional differences, particularly in reference to respiratory diseases as well as situations regarding admissions for disc problems and so on.

The comment I was going to make was that there are 244 per cent more admissions in Thunder Bay district than in the province of Ontario for diseases of the respiratory system and 100 per cent more for malignant neoplasm of trachea, bronchis and lung. This is a situation which I find quite disturbing and I think the sooner we toughen up this bill to ensure the kind of things that we in the NDP have been talking about over the last two days, the better it will be for the workers, not only in the Thunder Bay district but all over the province.

I have a final concern, and that is the interpretation of hazards and what really constitutes hazards. How many of the decisions will be made like the decisions of the Workmen's Compensation Board? Have no fear, I'm not going to say any more about that, other than that the benefit of doubt always goes to the companies; it never seems to go to the workers. I hope this does not occur with this bill.

I'm pleased to see the bill. I am hopeful that the minister and the Conservative government will accept the amendments that we will be presenting. They are amendments which we believe will strengthen the rights of workers and ensure that they can continue to work in a safe, healthy environment.

Mr. Ferris: Mr. Speaker, it's a pleasure to join in this debate on this bill. I sincerely believe that we, as members of the Liberal Party, have a great pleasure in endorsing the intent of the bill that is before us, the Employees' Health and Safety Act. There is one problem, however. I think the NDP sincerely believe that they invented the worker; I'm not sure that's really true.

Mr. Cassidy: You sure didn't.

Mr. Ferris: Well, I've got to tell my hon. friend that half of the people who work in the Ford plant at Talbotville—

Mr. Davidson: You'd better rehearse.

Mr. Ferris: —which is a very large group, do live in the constituency of London South; those people talk to me and I think I understand their problems—

Mr. Bain: You never do anything for them, though.

Mr. Ferris: —and I think they are very happy to see this kind of legislation come forward. Whether my friends have been sitting on their proverbial posteriors for some time and have not been ready to accept some of these things previously, be that as it may. I think that the prime important thing here is—

Mr. Davidson: You weren't here.

Mr. Ferris: I know. Neither were you.

Mr. Deans: The difference is, he will be back.

Mr. Ferris: The difference is that the workers in London South constituency don't believe that the NDP will solve their problem either.

Mr. Bounsall: Name me the plant.

Mr. Ferris: I think that what is really important here is that we have given the workers the opportunity to take the initiative, to refuse to work in conditions where they feel it's unsafe. We have given the ability to investigate and we have forced upon the employer the necessity to investigate—

Mr. Wildman: Why don't they have worker auditors as suggested in the Ham report?

Mr. Ferris: Well, the NDP would like to have everybody as a shop steward. Hell, let's face it.

Mr. Bain: What do you have against shop stewards?

Mr. Davidson: Do you know what a shop steward is?

Mr. Ferris: Yes, I do.

Mr. Davidson: Do you?

Mr. Ferris: I've worked. I've built barrels, I've driven trucks and things like this, so don't worry about it.

An hon. member: He's a work freak. You're going to have a work freak.

Mr. Ferris: I think there is a slight problem that the minister has not attacked prop-

erly in that there should not necessarily be a commitment to meet once a month. I think there's a necessity for a meeting whenever the situation arises. I think that must be changed.

In actual fact, though, I think the whole Act must be looked at as a general agreement that both sides must act in good faith. There are very obvious ways in which either side could have a detrimental effect and obviously kill the good that could be brought forward by this bill. But I would hope that this is what would happen in the carrying out of this legislation.

As a member of our caucus stated this afternoon, I believe that perhaps there should be some regulations—and I think this is something the minister is probably quite willing to do—to communicate in various languages the hazards and problems that exist in these very large plants so that the people in ethnic communities and groups can understand and be appreciative of what the conditions are and what their rights are. I think that's an important fact and I think that it must be looked after.

Mr. Davidson: You don't need language to tell you what you're dying from.

Mr. Ferris: Well, my friend might wish to die sooner than I do. Mr. Speaker, I will not continue, because I would hope the minister might at least get started on her reply tonight. I think it is very important that we do go forward with this. I think it is something that has been long overdue, and I would sincerely appreciate the ministry attacking this problem with the greatest vigour to see the culmination of this Act. However, there are some questions that will come up in the committee sessions, I'm sure, and there are some amendments we might wish to make.

Mr. Samis: In the brief amount of time available, I'll see if I can squeeze in the remarks I have to make. I realize at this stage of the debates some of it is a bit repetitious.

Hon. B. Stephenson: A bit?

Mr. Kerrio: Let's go.

Mr. Samis: Let me say that the workers of the community of Cornwall have every right to be heard through their member as the member for Huron-Middlesex (Mr. Riddell) has. If the attitude of the member for Huron-Middlesex is typical of the Ontario Liberal Party, then the Ontario Liberal Party will end up the same as the Quebec Liberal

Party did last night. If there's any arrogance in that, the federal Liberals will end up the same way.

Mr. Breithaupt: There 'weren't too many New Democrats elected, as I recall.

Hon. Mr. Kerr: Up the Union Nationale.

Mr. Riddell: You are leading the workers down the garden path and the workers know it.

Mr. Deputy Speaker: Order, please. We're dealing with Bill 139 and the member for Cornwall has the floor. We're on the principles.

Mr. Samis: Speaking to the principles of the bill, let me say that in general I would regard them as praiseworthy and a step in the right direction. The principles of the bill are so basic and so fundamental that the essential question I wonder about is why are we dealing with it in 1976? What took so long?

Mr. Riddell: We have been dealing with it since 1970.

Mr. Samis: Why did this government wait so long to bring in this bill? I would submit the main reason for the delay in this bill being presented to us is the lack of leadership, the indifference and the apathy of the government toward the basic problems of occupational health and safety, specifically, the Ministry of Natural Resources.

An hon. member: Read the bill again.

Mr. Samis: I exempt the present Minister of Labour (B. Stephenson) from this charge, but the Ministry of Natural Resources in this province has a sordid record of neglect and apathy on the whole question of problems of workers in the mines.

Hon. Mr. Kerr: Perish the thought.

Mr. Samis: If I ask why do we have this bill here before us now and why did we have the Ham report—and I realize I am obviously susceptible to the charge of being partisan—let me suggest that if it weren't for the efforts, if it weren't for the investigation, if it weren't for the disclosures and if it weren't for the questions in the Legislature and the constant prodding of the government by the member for Sudbury (Mr. Germa), by the member for Sudbury East (Mr. Martel)—

Mr. B. Newman: By the member for Erie (Mr. Haggerty).

Mr. Samis: —by the member for Nickel Belt (Mr. Laughren), by the member for Cochrane

South (Mr. Ferrier) and most of all by the member for Scarborough West (Mr. Lewis), if it weren't for their efforts—not some Mickey Mouse private member's bill—and their constant prodding of the government—

Mr. Breithaupt: This is not being excessively partisan.

Mr. Samis: —we wouldn't have this bill tonight, and the minister knows it.

Interjections.

Mr. Samis: If you're a Liberal and if you're in opposition, this government doesn't move till it's prodded and pushed and kicked. Look at the record in Hansard of who's done that job in the Legislature on this topic.

Mr. Riddell: All you people ever do is prod and kick.

Mr. Warner: You guys couldn't run Disneyland.

Mr. Samis: Let me suggest that the results of those efforts are this bill and this legislation. And that speaks for itself.

Hon. Mr. Kerr: That is the Minister of Labour's bill and the credit for it is hers, nobody else's.

Mr. Samis: In the very brief amount of time left let me suggest that the member for Nickel Belt has an excellent amendment that he has proposed, namely, the idea of making this mandatory for any enterprise of 10 or more employees. Possibly it should be even less than 10, because even the member for Scarborough Centre (Mr. Drea) mentioned some problems in smaller enterprises. The key thing is that if this bill is going to mean something, it's got to have teeth, and the amendment offered does give it added teeth.

I see the general spirit of section 9 as protecting the rights of employees, but I have a concern that 65 per cent of the employees in this province do not belong to a union. When one takes the case of a small factory, a small business, or a small industry—and I don't mean this in any derogatory sense—where people maybe take the job for secondary income in that family, where they may be a little bit insecure about losing a job because in an area of high unemployment that may be the only job they can get—

Mr. Deputy Speaker: We have now reached the time.

Mr. Samis: I'll move the adjournment then. Mr. Speaker.

Mr. Warner: Why don't we stay?

Mr. Samis moved the adjournment of the debate.

Motion agreed to.

Mr. Deputy Speaker: I now deem a motion to adjourn to have been made. I now recognize the hon. member for Ottawa Centre (Mr. Cassidy) for five minutes.

RENT REVIEW

Mr. Cassidy: Mr. Speaker, I asked for this debate on the adjournment because of the problem of short leases which was raised last Wednesday by the member for Wentworth (Mr. Deans) on behalf of the New Democratic Party. Mr. Deans pointed out that in his area there were problems of landlords now giving short leases, taking effect in early 1977 and to expire on August 1. Clearly those landlords intended to raise rents again, and therefore flout the intentions of the Rent Review Act. That is also the case in Toronto where the big corporate landlords such as Cadillac Fairview are doing the same thing.

[10:30]

To summarize our interchange, Mr. Speaker, the hon. minister of Consumer and Commercial Relations (Mr. Handleman) said in his reply, "Nobody can increase their rent eight per cent now and eight per cent six months from now. The Act does not permit it."

And then when he was pressed again, when I asked him who will protect the tenants after July 31 next year when they face another rent increase—that is, after a short lease—he said, "The law will protect the tenants."

Both of those statements, Mr. Speaker, are wrong. They require retraction before thousands of tenants are misled and I would like to go into the details because I would like to get the record straight. I hope the minister would then, in a generous way, retract.

The section which is relevant is section 2(a) of the bill which was the section introduced in amendments last spring to The Residential Premises Rent Review Act. The intention was to stop short leases in the spring of 1976, but it did not go beyond that. And that section said: "Where no order of a rent review officer is in effect, no increase permitted under subsection 2"—that is, during the 12 months ending July 31, 1977—"shall be charged to take effect within one year after the latest date upon which an increase within the limit prescribed by subsection 1 takes effect except upon the order of a rent review officer applied for under subsection 3."

There is no dispute between the minister and myself that if in January or February of 1977 a rent review officer orders a rent increase, that that order is effective for a full year. We are talking of increases of eight per cent or less on short leases being introduced for early in the year, and the section in question says that within a year after an increase prescribed by subsection 1 takes effect. But it doesn't refer to any duration of the increase that takes effect during this, the second year of rent review. The limit prescribed by subsection 1 specifically refers to an eight per cent maximum of above August, 1975, and that increase can take effect no later than August 1 of 1976.

I hope I make myself clear, Mr. Speaker, that this subsection 2(a), on which the minister is hanging his hat, only refers to short leases that were taking effect over the first few months of 1976, and it does not apply to short leases taking effect for the beginning of 1977.

I would suggest that either the minister is ignorant and doesn't know about the law, in which case it's a problem we have experienced often in the past with rent review; or he is stubborn; that is a problem we have also experienced in the past with this minister. Or he is setting out to mislead tenants because he sympathizes with landlords, or because he so desperately wants to be relieved of the responsibility of rent review.

His only other possible defence is the suggestion that Bill 60 last spring was not subject to the expiry date of the original rent review bill.

That's hardly credible when the subsection 2(a) in question makes a specific reference to the possibility of the order of a rent review officer, and the rent review officers won't exist after the expiry of this particular bill.

We have to start talking now about protection for tenants in August, 1977, or beyond. At that time, the rent review bill will not be in force to give them protection. The rent review bill will not give them protection if they get a short lease of eight per cent or less starting in the spring.

Mr. Speaker, we feel in this party that it's about time the government acknowledged that, rather than misleading tenants. It's little wonder that tenants have lost their faith in the Davis government. A minister like the Minister of Consumer and Commercial Relations who so openly begs to be relieved of rent review should be granted his wish now.

Mr. Deputy Speaker: I now recognize the hon. Minister of Consumer and Commercial Relations for up to five minutes.

Hon. Mr. Handleman: Mr. Speaker, I am indeed pleased to hear the hon. member call for my resignation. He now joins his very distinguished counterparts in the Communist Party of Canada who have also asked for my resignation. They are the only two political parties I know of who have asked for it, but I am quite sure our friends opposite might ask for it. When we introduced Bill 60 last spring—

Mr. Wildman: The member for Scarborough-Ellesmere (Mr. Warner) will tell you to resign too.

Hon. Mr. Handleman: —I stated at that time that an amendment clarifies the fact that a landlord who has benefited from a rent increase of up to eight per cent without a rent review may not have another such increase for a period of at least 12 months. Apparently there was no argument about that statement at that time. On April 27 when we went into second reading, I said we are trying to close what many people have conceived to be a loophole. That was the possibility of there being an eight per cent increase in July, 1976, and a consequent increase starting in August, 1976, which would total slightly over 16 per cent over a period of 13 months. There is no question about that. We were trying to do that—

Mr. Deans: That is right. We agree.

Hon. Mr. Handleman: —and the hon. member for Ottawa Centre said, "We welcome the fact that the short term lease situation will now be definitely cured." That was on April 27, 1976.

Mr. Deans: He was wrong.

Hon. Mr. Handleman: This is November 16. Somewhere along the line he's had some kind of a conversion. It no longer is definitely cured because somehow or other he seems to have read some fine print.

The member for Beaches-Woodbine (Ms. Bryden) in the debate said, "There are a number of good amendments in the bill which we would like to see become law, such as it being unlawful to increase rents more than once in a 12-month period." The member for Beaches-Woodbine seemed to feel that's what the amendment accomplished.

Mr. Deans: Well it doesn't.

Mr. Cassidy: It did for last spring but not beyond.

Mr. Deans: It doesn't for next year.

Hon. Mr. Handleman: On May 18, when we were in committee, the member for Ottawa Centre said, "Perhaps I can cite the case of a tenant whose rent was increased in the last 10 or 11 months—" etc.—"what steps does the minister propose to publicize this new amendment, and to enforce it against landlords who might otherwise be charging illegal rent increases?"

So the question was asked; they haven't done it, that's really what it amounts to. Amendments were moved by the member for Ottawa Centre, but there was not one word about there being any change in the wording of this Act.

In answer to his question the other day I said that nobody can raise rents six months from now, and that if he measures six months from now it will be within the currency of the Act. Nobody can raise the rent, if they've already had an increase. To that extent my answer is absolutely accurate. No retraction is required. Count six months from today and you're not into August, 1977.

Mr. Cassidy: Count from August, 1977—that is the question.

Hon. Mr. Handleman: He asked me who would protect the tenant after August 1, 1977.

Mr. Deans: You are playing games.

Hon. Mr. Handleman: What games?

Mr. Cassidy: You are playing games.

Mr. Deans: You knew exactly what was being asked of you.

Hon. Mr. Handleman: He said he is not satisfied with my answer. That's why we're here at this late hour and I'm telling you I will not retract. He asked me who would protect the tenant after August 1, 1977, and I said the law will. This government is committed to the protection of the tenant. The desperation of the hon. member in trying to retrieve a constituency that he sees he is losing control of—he's lost in Ottawa, he's going to lose it in Metro, he's going to lose it everywhere in this province. The tenants know who protects them. It's this government and we will continue to do that.

Mr. Renwick: That is not true.

Mr. Deans: What are you talking about?

Mr. Renwick: No, he is not going to lose it anywhere.

Mr. Cassidy: Resign. Do it now.

The House adjourned at 10:40 p.m.

CONTENTS

Tuesday, November 16, 1976

Employees' Health and Safety Act, B. Stephenson, on second reading	4729
Debate re answer to oral question on rent review, Mr. Cassidy, Mr. Handleman	4755
Adjournment	4756

SPEAKERS IN THIS ISSUE

Angus, I. (Fort William NDP)
 Bain, R. (Timiskaming NDP)
 Breaugh, M. (Oshawa NDP)
 Breithaupt, J. R. (Kitchener L)
 Burr, F. A. (Windsor-Riverside NDP)
 Cassidy, M. (Ottawa Centre NDP)
 Cunningham, E. (Wentworth North L)
 Davidson, M. (Cambridge NDP)
 Deans, I. (Wentworth NDP)
 di Santo, O. (Downsview NDP)
 Ferrier, W. (Cochrane South NDP)
 Ferris, J. P. (London South L)
 Germa, M. C. (Sudbury NDP)
 Good, E. R. (Waterloo North L)
 Haggerty, R. (Erie L)
 Hall, R. (Lincoln L)
 Handleman, Hon. S. B.; Minister of Consumer and Commercial Relations (Carleton PC)
 Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
 Kerrio, V. (Niagara Falls L)
 Laughren, F. (Nickel Belt NDP)
 Mackenzie, R. (Hamilton East NDP)
 Maeck, L. (Parry Sound PC)
 McClellan, R. (Bellwoods NDP)
 Newman, B. (Windsor-Walkerville L)
 Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
 Reid, T. P. (Rainy River L)
 Renwick, J. A. (Riverdale NDP)
 Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
 Riddell, J. (Huron-Middlesex L)
 Samis, G. (Cornwall NDP)
 Stephenson, Hon. B.; Minister of Labour (York Mills PC)
 Stokes, J. E.; Deputy Speaker (Lake Nipigon NDP)
 Sweeney, J. (Kitchener-Wilmot L)
 Warner, D. (Scarborough-Ellesmere NDP)
 Wildman, B. (Algoma NDP)



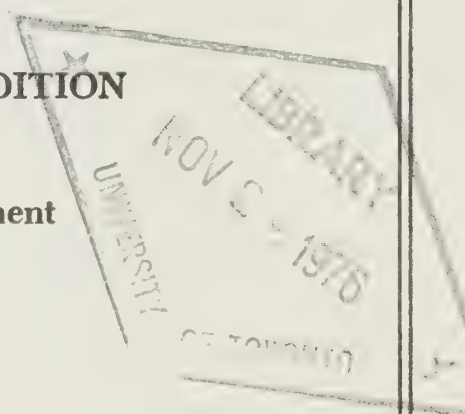
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Third Session of the 30th Parliament



Thursday, November 18, 1976

Afternoon Session

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

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CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. (Phone 965-2159)

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LEGISLATURE OF ONTARIO

THURSDAY, NOVEMBER 18, 1976

The House met at 2 p.m.

Prayers.

Mr. Moffatt: Mr. Speaker, on a point of privilege please.

Mr. Speaker: Proceed.

POINT OF PRIVILEGE

Mr. Moffatt: Mr. Speaker, you may recall last Monday afternoon in the private members' hour, you were in the chair and I asked you if I might table some papers which were correspondence from constituents in the riding of Durham East concerning the regional government in Durham; I asked if I could put those on the desk of the Treasurer (Mr. McKeough). The Treasurer was not here from 5 o'clock until 6 o'clock that day.

Tuesday I was in my seat two minutes after the House opened and the papers which were tabled and placed on the Treasurer's desk appeared back on my desk. Now it is obvious to me Mr. Speaker, that the papers were not looked at, read, or any attention paid to them. I wonder if you could give me some guidance as to how one gets the Treasurer to listen to the people of the province.

Mr. B. Newman: Come on, that's a pretty cheap shot.

Mr. Speaker: I have no idea how the papers got back onto your desk, so there is really nothing I can do about that.

Statements by the ministry.

GREAT LAKES MEETING

Hon. Mr. Kerr: Mr. Speaker, I would like to acknowledge the presence in the Speaker's gallery this afternoon of the members of the interstate legislative committee on Lake Erie and extend to them a warm welcome on behalf of the government as they gather in Toronto for a two-day meeting to consider solutions to the problems of the Great Lakes.

This non-partisan committee, members from the Lake Erie states of Michigan, Ohio, Pennsylvania and New York, consists of a chairman and representatives from both the Senate and House environmental committees, and from the Speakers' offices of these states. I have shared many constructive moments with the committee in their past legislative workshop, and recall the deliberations we had a few years ago in preparation for the Great Lakes agreement.

At the meeting in Toronto the committee will specifically consider the problem of toxic substances in the lakes and improvements in the control of detergents, as well as the future direction for the Great Lakes agreement which will be renegotiated over the next few months.

I commend the work of the committee to the attention of this House and ask all members to welcome our visitors today.

DRIVER LICENCE CLASSIFICATION

Hon. Mr. Snow: Mr. Speaker, during the past year my ministry has been preparing a programme of classified driver licensing to enable Ontario to join with other Canadian provinces in a programme which is aimed at matching a driver's skills and responsibilities with the kind of vehicle driven; for example cars, motorcycles, buses, or heavy commercial trucks and trailers. Today I wish to announce that regulations regarding the classification of drivers' licences will become effective February 1, 1977.

With these new regulations, every driver, no matter what type of vehicle he or she drives, will have a driver's licence relating to a specific class, and he or she will be permitted to operate only the vehicles indicated in that class.

The chauffeur's licence classification will be discontinued. Being paid to drive will no longer be a factor in the new licensing system; instead, all drivers will be categorized, depending on the characteristics of the vehicle driven.

I am tabling a list of the 10 classifications in detail. However, as a summary of what is

contained in the list I would like to say that: For example, drivers of cars or light trucks up to 18,000 pounds will be in class G; motorcyclists will be in class M; and there will be a class R licence to permit the learner to obtain motorcycle experience on the road under restricted conditions during daylight hours.

Let me point out here that the drivers of cars, light trucks and motorcycles need take no action to obtain their new licences. When their present licences expire, or must be replaced for some reason, these drivers will receive a new type of licence automatically.

In other categories, presently-licensed school bus drivers must convert to a class B or class E licence, which in the new system applies to large or small school buses. However, since these school bus drivers are now currently identified in the ministry's computer system, they will be sent a special letter advising them how to obtain their new licence. It will be necessary for those who haven't already done so to take a defensive driving course.

For drivers of heavier vehicles, such as commercial buses and trucks, or tractor-trailers, the new programme will call for reclassification. Drivers of such heavy commercial vehicles are subject to a great deal more physical, mental and emotional strain than are, for instance, car drivers. Thus each operator will have to meet higher health and vision standards. They also will have to file periodic medical reports to confirm that they are continuing to meet such standards.

In essence, this means that if a driver holds a class A, B, C, E or F licence, he or she must provide a satisfactory medical report every three years to age 65 and annually thereafter. Drivers will be notified in advance of the specific date at which their next medical examination is due.

You will note that class D drivers, although required to file a medical report initially with their application, are not included in the cyclical basis. I would also like to draw to your attention the fact that medical reports may be required at any time from any driver for driver control purposes.

At this time, my ministry is finalizing pamphlets explaining the new licensing system in detail. These will soon be available at all MTC vehicle licensing and driver examination offices. They will also be sent to companies operating fleets of trucks and buses.

While the programme becomes effective February 1, 1977, it is fully understood by my ministry that conversion to the new

programme will not happen overnight. The new regulations provide for a one-year conversion for those who wish to upgrade their licences on the basis of their driving experience. But I urge all truck and bus drivers and companies to take action now to obtain replacement licences.

For the benefit of non-commercial drivers, let me stress that ordinary motorists, motorcyclists and drivers of light trucks that weigh no more than 18,000 pounds need take no action.

This means that while the new driver's licence classification programme will include every Ontario person who operates any kind of a motor vehicle, only about 200,000 of the province's four million drivers need take any action to be reclassified.

BANK ACT REVISIONS

Hon. Mr. McKeough: Mr. Speaker, with respect to the revision of The Bank Act and Ontario's views on the white paper, I have written to the federal Minister of Finance today and sent him our views, which I will table, and I thought it would be wise to put the letter on the record:

"The enclosed paper outlines Ontario's major concerns regarding the recently published federal white paper on The Bank Act. Let me say first that the general theme favouring an increase in competition in the financial system is certainly welcome. Nevertheless, we have reservations about several of the specific proposals because of their implications for competition, in some cases, and jurisdictional problems in others. However, it was disturbing to note that some serious problems were not addressed by the white paper.

"Ontario believes that the present diversity in Canada's financial network contributes to an atmosphere of competition that would be lacking if all institutions are encouraged to seek full bank status. Furthermore, we are concerned by the encroachment on provincial jurisdiction which such a move implies.

"Because of its effect on areas of divided jurisdiction, we are anxious that the provincial government be fully involved in the development of the electronic payments system. In this connection, we are concerned by the high degree of discretionary authority wielded by the federal government in the operation of the Canadian Payments Association. This is certain to augment the atmosphere of unease and uncertainty which already plagues our economic environment.

"The proposals to scrutinize the operations of foreign affiliates operating in Canada more closely are consistent with Ontario's views. We are concerned, however, that formal recognition be accompanied by some explicit encouragement to obtain reciprocal arrangements in other jurisdictions.

"The white paper did not address the question of increasing competitiveness in the market for short-term government bills and notes by expanding the range of securities suitable for recognition as secondary reserves. We did, of course, raise the matter in an earlier submission, and it has received the support of the other provinces and the Economic Council of Canada. My staff has examined the issue in some detail and have some positive suggestions on how the problems might be overcome. I think that a meeting of officials to discuss this issue would be useful.

"The coming decade will be a challenging one for Canadians. In order to remain competitive in the international marketplace, we will have to be productive and innovative. If Canadian banking legislation is to contribute to meeting these challenges, it too will have to be innovative and flexible. The current economic environment does not call for a major change in Canada's financial structure, with all of the uncertainty and apprehension that would entail. I am concerned, however, that the immense requirements of financing our industrial development in the decade ahead will put additional strains on capital allocations and I would hope that we will be able to respond quickly to new circumstances as they arise."

MUNICIPAL NOMINATION PAPERS

Hon. Mr. McKeough: Mr. Speaker, while I'm on my feet, the other day I was asked for an opinion as to the filing of nomination papers on Remembrance Day. The answer is a little long and perhaps I might give it now.

Certain doubts have arisen as to the validity of nomination papers filed on Remembrance Day mainly because section 34(1), states that a person may be nominated as a candidate for an office by filing in the offices of the clerk during the normal office hours of the clerk within the period in which nominations may be filed, a nomination paper in prescribed form.

Certain solicitors are of the opinion that because municipal offices are not normally open on Remembrance Day, a nomination filed on that day would not be filed during the normal office hours of the clerk and there-

fore would not be valid. Further doubt has arisen because Remembrance Day is a holiday and there is some doubt that an act done on a holiday can have legal effect.

Normal office hours mean 8 to 4:30, or 9 to 5, and so on, without reference to any particular day, and therefore if the municipal offices were normally open between 8:30 and 5 o'clock and the municipal clerk received nomination papers between those hours on Remembrance Day the nominations would be validly filed. Furthermore, the common law rule preventing legal acts from being done on a holiday is probably applicable only to Sundays.

[2:15]

Some municipal lawyers are divided in their opinion on the question. We have been advising municipalities to consult their own solicitors. Several candidates who filed on Remembrance Day and subsequently consulted the ministry were advised, to remove all doubts, that they probably should withdraw their papers and refile. All candidates, if they were concerned about the problem, could have refiled and we believe most did refile their papers on the Friday or Monday following Remembrance Day.

The question really can only be decided in the courts, and any statement of opinion made by myself could only serve to add to the present difference of opinion and would not solve it.

Mr. Speaker: Oral questions.

BILINGUAL DRIVERS' LICENCES

Mr. Lewis: A question of the Minister of Transportation and Communications: Can I try to elicit from him a further expansion of his statement on the issuing of licences by asking whether it is, in fact, true that he has been replying to letters sent to him in the last month or two with the announcement that he intends to have all licences in Ontario, new or renewed, issued bilingually as of January 1, 1977?

Hon. Mr. Snow: No, Mr. Speaker, I don't believe that was the tone of my reply. When I have received inquiries relating to the matter of bilingual drivers' licences, I believe I have stated that the new classified driver's licence system would be implemented in the near future and when the new classified licences were printed they would be bilingual in form.

Mr. Cassidy: Well, well, well. It took us five years to get it.

Mr. Lewis: The minister stated that in his letter to these people?

Hon. Mr. Snow: Yes.

Mr. Lewis: Why doesn't the minister, particularly in the present atmosphere, announce this formally as a useful demonstration of what might be done generally?

Hon. Mr. Snow: Mr. Speaker, I will then now, officially and formally—

Mr. Lewis: Congratulations. You are too much.

Mr. MacDonald: Well, well, well.

Hon. Mr. Snow: I will officially and formally announce to the House now that with the issuance of the new classified drivers' licences the form of the licence will be bilingual.

An hon. member: Separate now?

Mr. Roy: Supplementary: I would like first of all, Mr. Speaker, to congratulate the minister about this and ask him whether in view of that change of policy—God bless him—he might consider when he suspends a person's licence the notices might be bilingual so he might know that his bilingual licence is suspended?

Hon. Mr. Davis: Are you worried about your own?

Mr. Roy: No, not now.

Hon. Mr. Snow: I assure the hon. member that when I have the opportunity to suspend his licence, I will send him a notice in bilingual form if I have to write it myself.

Mr. Roy: That's not going to help you.

Mr. R. S. Smith: In that case, you will never receive it.

Hon. Mr. Snow: Mr. Speaker, I can't recite by memory the different forms that will be reprinted when new programme changes take place. We do have a number of this type of form relating to vehicle and personal licensing matters that will be switched over on a gradual basis, when new supplies are ordered or a programme is changed to the bilingual form.

Mr. Cassidy: Est-ce que le ministre pourrait nous assurer en coopération avec le ministre de la Justice que dans le futur les avis de cautionnement pour violations au code du trafic qui sont envoyés aux chauffeurs dans

la province sont envoyés en français et pas simplement en anglais?

Hon. Mr. Snow: Mr. Speaker, my personal translator, the Minister of Health (Mr. F. S. Miller), says he cannot follow that; so I'm afraid I'll have to wait until Hansard is printed. I'll get the Ministry of Government Services to translate it for me, and I will give a reply to the hon. member.

Mr. Cassidy: Mr. Speaker, out of courtesy to the Minister of Health, who may be a better minister than he is a translator—

Mr. Speaker: Final supplementary?

Mr. Cassidy: Could the minister say whether, in co-operation with the Attorney General (Mr. McMurtry), he will see that notices of violation sent to motorists under The Highway Traffic Act are also available in French?

Hon. Mr. Snow: I will leave that matter up to the Attorney General.

Mr. Lewis: I would just like to congratulate René Lévesque for having stimulated so much in such a short period of time, Mr. Speaker.

Hon. Mr. Davis: It is quite obvious you two have a lot in common.

Mr. MacDonald: Apparently so do you and Joe Clark.

Interjections.

Mr. Lewis: With his millionaire stockbrokers? You'll be comfortable, my friend.

Mr. Speaker: Order.

EMPLOYMENT ON INDIAN RESERVES

Mr. Lewis: May I ask the Chairman of the Cabinet, now that the national park for the English-Wabigoon river system has been abandoned, what precise undertaking has he set in motion either to compensate or to provide projects as alternative supports for the Indian bands at Whitedog and Grassy Narrows?

Hon. Mr. Brunelle: Monsieur l'Orateur, j'aimerais dire au chef du Parti NDP que le sujet est à l'étude.

Mr. Lewis: Mais oui, Monsieur le Ministre. Je suis le chef du Parti NDP—but why doesn't the minister answer my question? He can't duck it that way. Therefore, I will ask the Premier, if I may redirect my question.

Mr. Breithaupt: You are safe there!

Mr. Lewis: Would he like it in English or Yiddish?

Hon. Mr. Davis: It will be convoluted in either form.

Mr. Lewis: Now that the national park programme has been abandoned for the English-Wabigoon river system, may I ask the Premier whether he will accept the offer made to the government by Mr. Billingsley, the president of the Reed Paper company, to pay substantial financial support or compensation to any government programme which the government would wish to institute for the native people of Whitedog and Grassy Narrows?

Hon. Mr. Davis: Firstly, Mr. Speaker, I'm intrigued at the idea of the Leader of the Opposition that he has accepted some ideas from the head of Reed Paper—probably the only one that he's accepted. I would suggest that as it relates to this particular issue, if he would direct the question to the Provincial Secretary for Resources Development (Mr. Irvine), he will be brought up to date as to the present situation.

Mr. Lewis: Well, I will be glad to ask each of the ministers, one at a time.

May I ask the Provincial Secretary for Resources Development—I'll be more specific—exactly how he intends to make use of the explicit offer from the president of the Reed Paper company to provide sums of money, either by way of financial compensation or financial support, for any undertaking or programme which the government initiates to help or assist the native people of Whitedog and Grassy Narrows?

Hon. Mr. Irvine: Mr. Speaker, the Minister of Natural Resources (Mr. Bernier) and myself will be meeting next week with Mr. Billingsley to determine exactly what he meant by his statements in the media. Besides that, I think I should inform the House that it is our understanding that the Minister of Natural Resources and Mr. Allmand will be meeting next week to decide what will be our next course of action as it relates to continuing our talks with the natives in the area affected by the English-Wabigoon system and how the province can co-operate with the federal government to have this matter resolved to the mutual satisfaction of all concerned.

Mr. Lewis: By way of supplementary, does the minister intend to meet Mr. Billingsley?

Is he going to meet him in his offices? They are very nice offices; I commend them to the minister. If he is going to meet him, will the minister be taking with him specific projects in mind? Can the minister share with the House the specific proposals the government will be making on a cost-sharing basis with the Reed Paper company?

Hon. Mr. Irvine: Mr. Speaker, I don't intend to meet in Mr. Billingsley's office. I expect it will be either in my office or in the office of the Minister of Natural Resources. I would think that would be the more proper place. As to what proposals we will be discussing, I'm not at this time at liberty to say.

RENT INCREASES

Mr. Lewis: A question, if I may, to the Minister of Consumer and Commercial Relations: Can the minister make a public guarantee which is somehow authenticated in law that any leases entered into at any time, let us say, between now and July 31, 1977, for a period less than a year will, in fact, have binding application for a full year at a rent increase of whatever is determined, eight per cent or less?

Hon. Mr. Handleman: Mr. Speaker, if the Leader of the Opposition is asking for a legal opinion, of course, I can't give it to him. I have stated here and have stated outside this House the government's commitment to that effect. The intention of the government in bringing in the amendments last spring is quite clear; it was accepted by all parties that our intention was clear and we are making a firm commitment to that effect.

As to what will be done officially, of course, I can only repeat the words in the Star today, "no decision has been made."

Mr. Lewis: By way of supplementary, since the legislation dies on July 31, 1977, how can the minister possibly make a commitment to prevent additional rent increases applied in August, September or October, when there is no legislative authority governing those rent increases?

Hon. Mr. Handleman: Mr. Speaker, I would assume, without any powers of prognostication, that all parties in this House would support the commitment, and if it was felt necessary to bring in legislation that it would receive such support.

Mr. Deans: A supplementary question: Assuming we all do then support the commit-

ment, would the minister amend the legislation to make it clear that any arrangement between landlord and tenant entered into between now and the termination date, July 31, 1977, will be in effect for 12 consecutive months from the date of implementation? Would he make it clear now and leave that law by itself on the statute books for that period of time?

Hon. Mr. Handleman: Mr. Speaker, I'm not in a position to commit the government to bringing in legislation today or tomorrow. I have made a commitment on behalf of the government, and I'm sure that all members of this Legislature would support that commitment in the event that legislation is necessary.

Mr. Cassidy: Supplementary: Given the rather tattered credibility of the government on matters relating to the protection of tenants, will the minister come back to this House within a week with a legal opinion from his own officials or from the Attorney General's department as to whether or not there is effectively any protection for tenants on short leases after August 1, 1977?

Hon. Mr. Handleman: Mr. Speaker, no, I don't believe I would present a legal opinion to the Legislature. We have made a commitment, and on behalf of the tenants of this province I, as minister, have said that that is the effect of our legislation, and if it's not the effect of our legislation we will make it quite clear in due course that we intend to protect them in that way.

Mr. Speaker: A final supplementary from the member for St. George.

Mrs. Campbell: Does the minister not recognize the need for clarification at this time, when the activities of the owners of these buildings indicate there is no such commitment? What, in fact, does the minister say his commitment is, because I don't understand it?

Hon. Mr. Handleman: Mr. Speaker, the need for clarification may very well be there. However, a commitment has been made publicly and in this Legislature, and if the landlords have not read that then I assume they should start reading Hansard as required reading.

Mr. Cassidy: It is a best seller.

Mr. Breithaupt: The collected sayings of Syd Handleman.

Mr. Speaker: Order.

Hon. Mr. Handleman: The commitment has been made. We cannot foretell what may happen here six months from now, and this is what the hon. member is asking me to do. At this time, under the present Act there is no possibility of a rent increase taking place other than as provided for in the Act.

An hon. member: What a stupid statement.

Hon. Mr. Handleman: What may happen in August is a matter for the future and a matter for clarification in the future.

Mr. Cassidy: Supplementary.

Mr. Speaker: No, that was a final supplementary. The Leader of the Opposition has one more question I believe.

Mr. Cassidy: Mr. Speaker—

Mr. Speaker: No. Order, please. I said that was a final supplementary.

CANCER AND ASBESTOS

Mr. Lewis: To the Minister of Labour: Has the minister determined whether there has been any study undertaken officially through the Ministry of Health, the Ministry of Labour or the Workmen's Compensation Board into the relationship between cancer of the larynx and asbestos in the period since April, 1975, when it was recommended by Dr. Ritchie?

[2:30]

Hon. B. Stephenson: I know that the Ministry of Labour has not undertaken such research. I am not as yet sure whether any has been initiated by the Ministry of Health and I am talking to the Workmen's Compensation Board at this time. As I said in the Legislature the other day, I felt the study was probably outside of government and that I was endeavouring to find the source of the information which I had received, which I am still endeavouring to do.

Mr. Lewis: By way of supplementary, had it never been brought to the minister's attention formally through the group to which the report was submitted that any such specific study was anywhere launched?

Hon. B. Stephenson: The report which Dr. Ritchie tabled for the Workmen's Compensation Board was directed specifically to an examination of problems of malignancy of the lung and gastrointestinal tract. One of the gratuitous or tangential remarks that he made in his study—

Mr. Lewis: Gratuitous or tangential!

Mr. Breithaupt: It is hardly gratuitous.

Hon. B. Stephenson: —was that there should be further research in this area. At the time that the board looked at this study they were concerned with cancer of the lung as a result of asbestos exposure and cancer of the gastrointestinal tract. That is the direction which they have followed to this date.

I'm sure there will be further examinations of that report, now that some of the situations which were in question have been clarified. At this point in time, there are other researchers in other areas of this country and of the North American continent who are pursuing this research. That is what I am attempting to establish.

Mr. Lewis: Did you refer to the city of Toronto when you replied?

Hon. B. Stephenson: Yes, I did.

LACK OF COURT FACILITIES

Mr. S. Smith: I have a question for the Premier, in the absence of the Attorney General (Mr. McMurtry), regarding the lack of justice facilities in the Ottawa area: While we don't begrudge Brampton riding its new courthouse, how can the Premier be the head of a government that tolerates the situation in Ottawa where the Chief Justice of the High Court has held courts, I think it was last week, in the basement of the Holiday Inn? Surely the Premier recognizes the problem there. What is he prepared to do to make the system of justice operate throughout Ontario equally for everyone?

Hon. Mr. Davis: I would just like to seize this occasion to point out that the additions to the courthouse facilities in the region of Peel, which were constructed basically by the former county of Peel, will serve not only the great riding of the city of Brampton, but also Mississauga North, Mississauga South, Mississauga East and portions of Wellington-Dufferin-Peel.

Mr. S. Smith: And Ottawa West, if they are willing to travel.

Hon. Mr. Davis: While it is geographically in the middle of that community, it does serve more than the one.

Mr. Roy: Just answer the question.

Mr. S. Smith: They even have one in Kitchener.

Hon. Mr. Davis: In case the member is not familiar with the geography of the region of Peel, I thought I should explain this to him.

Interjections.

Mr. Speaker: Order, please. Order.

Hon. Mr. Davis: As it relates to the availability of court facilities in the great community of Ottawa, perhaps the Attorney General (Mr. McMurtry) will be here later to answer specifically.

Mr. R. S. Smith: Are you looking for votes back home?

Hon. Mr. Davis: In the meantime, perhaps the Provincial Secretary for Justice (Mr. MacBeth) might have some insight that would be helpful.

Mr. Breithaupt: Don't count on it.

Mr. Roy: We don't want to trouble him.

Hon. Mr. Davis: I'm just saying they might be helpful to the member for Hamilton West. I'm trying to be as helpful as I can.

Interjections.

Hon. Mr. Davis: I used to practise law in places worse than that.

Mr. S. Smith: Is the Premier aware that in addition to having to use the basement of the Holiday Inn, there are now lawyers in Ottawa advising their clients not to bother even trying small claims court, despite the fact that court specifically exists for the ordinary citizen to get a summary redress of some grievance, because of the 18-month delay which now afflicts that particular court in the Ottawa area? Surely a system of justice must operate for everyone in Ontario.

Hon. Mr. Davis: I think it's quite obvious the member for Hamilton West knows the system of justice operates equally for everyone in the province of Ontario.

Interjections.

Hon. Mr. Davis: It is also true that new physical plant is not necessarily related to the quality of justice that is provided.

Mr. S. Smith: There is an 18-month delay.

Hon. Mr. Davis: I could reminisce here today and remind the member for Hamilton West, who was not resident in the great province of Ontario when I used to practise law—

Mr. Breithaupt: That long ago.

Hon. Mr. Davis: —that I have appeared for accused people in facilities that were perhaps not as adequate as the basement of a Holiday Inn.

Mr. Eakins: Was there wiring in the basement?

Interjections.

Hon. Mr. Davis: I've been in them and the member for Wilson Heights (Mr. Singer) has. Is the member for Ottawa East (Mr. Roy) the one who's advising his clients not to appear? I don't know. Anyway, I will try to find out for the leader and get this information for him.

Mr. Roy: Supplementary: In view of the fact the Attorney General keeps saying that he recognizes the facilities are deficient, and keeps talking to the cabinet and the Premier but can't get any further money, how can the Premier tolerate the situation that has been explained by my leader in Ottawa; and secondly, a situation existing now in the Supreme Court whereby deserted wives have to go on welfare because it takes four weeks to get an appointment for an interim order, even in family court or in Supreme Court?

Hon. Mr. Kerr: Are you against Holiday Inns?

Hon. Mr. Davis: Mr. Speaker, if the member for Ottawa East is suggesting that in many areas, not just in the administration of justice but in other areas of physical plant, we can with justification invest further moneys on behalf of the taxpayer, I'm quite prepared to acknowledge it.

Mr. Eakins: Stick-handling.

Hon. Mr. Davis: I am also prepared to state to the member for Ottawa East that we are establishing priorities. We are restraining capital expenditures in the economic interest of all the public of the province of Ontario. Those are the rather difficult choices we have to make which I totally understand the opposition people have not the capacity to do.

Mr. S. Smith: Except in Brampton.

Mr. Breithaupt: After five years.

Mr. Roy: What about Minaki Lodge?

Mr. Speaker: Order, please. We'll have another supplementary; the member for Carleton East. This is the final one.

Ms. Gigantes: I'd like to ask the Premier if, when he is doing his balance of accounts on the business of investing in the court system in Ottawa, he might take into consideration the hundreds of thousands of dollars of damage created at the Ottawa Carleton Regional Detention Centre by prisoners who have to wait from seven to 12 months for an appearance in court; and the request that is to come from the township of Gloucester—

Hon. B. Stephenson: That's a question.

Mr. Speaker: Thank you. I think the question has been asked.

Ms. Gigantes: —for an additional \$100,000 to supplement police services to that regional detention centre?

Hon. Mr. Davis: I'll try—as I understand it the hon. member is saying do I take into account, in balancing something or other, the damage done at the detention centre because certain people who are there do not get as speedy a trial as she would suggest?

Mr. Roy: Or the welfare payments to wives.

Hon. Mr. Davis: I will bring that to the attention of the Attorney General.

Mr. Roy: Hold the court in Minaki Lodge.

Mrs. Campbell: As everybody suggests.

Mr. Speaker: Order.

NUCLEAR REFINERY SITE

Mr. S. Smith: A question for the Treasurer, Mr. Speaker: Regarding the selection of a site for the proposed nuclear refinery of Eldorado Nuclear, has the Treasurer taken some role with regard to attempting, under the general development agreement, under the DREE arrangement, to arrange with the federal government for the location of this particular refinery in northern Ontario where the economy desperately needs this type of boost?

Hon. Mr. McKeough: I think that question should be redirected to the Provincial Secretary for Resources Development.

Mr. Speaker: Does the hon. member wish to redirect the question?

Mr. S. Smith: I'll redirect to the Provincial Secretary.

Mr. Speaker: Did the hon. minister hear the question?

Hon. Mr. Irvine: I think I heard enough of the question to answer—

Mr. Roy: To give a non-answer.

Mr. Speaker: Order, please.

Hon. Mr. Irvine: —as far as I'm concerned. Maybe it won't answer all the concerns of the hon. member. In any event—

Interjections.

Mr. Speaker: Order please.

Hon. Mr. Irvine: —several colleagues and I have met with the federal government or various ministers who are concerned about this project. We have met with the Crown corporation, Eldorado, at various times. We have discussed the feasibility of Eldorado locating either in eastern Ontario or in northern Ontario. I have recently received from the ministry responsible a study which was conducted on behalf of the federal government to determine what the financial impact would be to the Crown corporation if it was located either in northern Ontario or in eastern Ontario.

The decision as to whether or not the Crown corporation will go in eastern or northern Ontario is clearly a federal government decision. If the federal government want to tell the Crown corporation they should go to the north—and they have every right to do so—then let them get off their rear ends and say so.

Mr. Peterson: Sort of like the Pickering airport, eh?

Mr. S. Smith: By way of supplementary, is the minister prepared to assure this House that this government is prepared to request of the federal government that efforts be made to locate this particular plant in either Burwash, Spragge or some other suitable northern site; and, in fact, is his ministry prepared to co-operate with the DREE programme to request—he knows very well the province must initiate—to request a DREE grant to enable that particular federal project to be located in northern Ontario? Let's have a clear answer to this.

Hon. Mr. Irvine: I think the hon. member doesn't understand the complexities of the problem.

Mr. S. Smith: Come on, you know the situation.

Hon. Mr. Irvine: First of all, I have had discussions with Mr. Lessard and Mr. Gillespie—

Mr. Mancini: Tell us what you are going to do.

Hon. Mr. Irvine: —and Mr. Lessard has not indicated at all that he was willing to proceed with this particular area being designated as a DREE area; I refer to either Spragge or Burwash, Spragge in particular.

Mr. R. S. Smith: What else does he say about the DREE programme?

Hon. Mr. Irvine: I think the hon. member would be wise to contact his friends, if he has any in Ottawa, to determine what the actual cost is—

Mr. S. Smith: Yes, I have done so and they tell me you are not pushing.

Mr. Speaker: Order, please.

Hon. Mr. Irvine: —as it relates to Spragge being developed and what the cost is in relation to the Port Granby-Port Hope area. I don't think the Ontario government can tell a federal Crown corporation where to go, even though we may want to.

Mr. Roy: You told the tenants where to go a few years ago.

Mr. Speaker: The member for Durham East (Mr. Moffatt) only.

Mr. Moffatt: In the minister's response, it seems to me, the only criterion he alluded to was one of economic consideration. I would like to ask the minister if that is the sole criterion which this government is considering as legitimizing or not the Port Granby choice of site by Eldorado Nuclear?

Hon. Mr. Irvine: Obviously not. There are at least two things one must consider. The economic development is certainly a prime consideration. There is also another consideration that has been considered in the Newcastle area and the Port Granby site which is being proposed for development: The site will be for a building plus a disposal area, and it is my understanding that the local council has said it will approve the site only on condition there is a disposal site and a new building constructed on the other part of the lands, which I believe the Crown corporation now have bought. Therefore, there are two areas: First, you have to worry about the waste or the residue; and secondly the economy.

An hon. member: Supplementary.

Mr. Speaker: No, I think we should get on. The hon. member for Hamilton West.

Mr. S. Smith: On the same topic, if I might—and so my friend will have a chance for a supplementary—on the same topic, and I direct this to the Premier: During the exchange of interjections, when I said the government was not pushing for a DREE grant to enable the refinery to be located not in Port Hope but in northern Ontario, the Premier said I was wrong. Would he therefore detail for this House precisely what the government has done to enter into a DREE agreement for this particular federal project and precisely what it is prepared to do now to push the federal government, despite the so-called economic feasibility, to have this refinery located in northern Ontario?

Hon. Mr. Davis: I think we have demonstrated, as a government, we are very anxious to have proper development in northern Ontario, a view not shared by some of our friends. Surely the leader of the Liberal Party is not saying to us that the government of the province of Ontario should be shelling out a lot of Ontario taxpayers' money for an area where the federal government should have total responsibility. It is a federal Crown agency involved in a national programme.

I would say with respect that while obviously we would be delighted to have it located somewhere in the province of Ontario—we are very interested in the north, we are also interested in the east, and I am sure the members opposite are as well.

Mr. Roy: It doesn't show.

Hon. Mr. Davis: At the same time I must say to the leader of the Liberal Party that we are very interested, for this occasion at least, in Ottawa's assuming its proper financial responsibilities. This question of applying for a DREE programme to accommodate a federal Crown corporation, surely is one on which he should be urging us to say to Ottawa, "You fellows need to locate this; for heaven's sake, for once pay the bills for it."

Interjections.

[2:45]

Mr. Speaker: Order, please.

Mr. S. Smith: Is the Premier not prepared to accept that this would be a very proper use of provincial tax dollars, to use the DREE programme for precisely what it is meant for—

Hon. Mr. McKeough: Nonsense.

Hon. Mr. Davis: You are getting caught again.

Interjections.

Mr. Speaker: Order, please.

Mr. S. Smith:—which is to locate industry, public or private—there is nothing spectacular about private versus public industry—where it belongs in northern Ontario.

Hon. Mr. Davis: It would be quite appropriate if the decision of the federal government was to say to Eldorado: "Yes, the North Shore is the place for it." We would accept that with enthusiasm. I am saying to the leader of the Liberal Party this is a federal Crown agency; for heaven's sake let him stop bailing his friends out. Let them assume their proper responsibilities.

Hon. Mr. McKeough: You are bankrupt over there.

Mr. S. Smith: Contribute to it.

Hon. Mr. Davis: If they gave you a blank cheque you would give away the whole store.

Mr. S. Smith: Contribute to it. Decentralize.

Mr. Ruston: You are further in debt than Darcy was.

Interjections.

Mr. Speaker: Order, please. Are you not aware that you are on display here this afternoon, as you are every afternoon?

Mr. Breithaupt: We don't mind.

Mr. S. Smith: Look at the Treasurer when you say that.

Mr. Foulds: Mr. Speaker, could the Premier assure the House and the residents of the north that if such a project does locate in northern Ontario the proper environmental safeguards will take place and perhaps the waste could be shipped to the south?

Hon. Mr. Kerr: Now you have lost the south.

Interjections.

Hon. Mr. Davis: Mr. Speaker I begin to sense some reconsideration of previous positions as they relate to development in the north. I would assure the member for Thunder Bay that like every project which has environmental impact—

Mr. Lewis: A uranium refinery.

Mr. Reid: The heat is getting to them.

Mr. Speaker: Order, please.

Hon. Mr. Davis: —we will demonstrate the same concerns in the north as we do in the south—which is the foremost concern to be found anywhere on this continent, that's right.

Interjections.

Mr. Breithaupt: We are in trouble.

Mr. Reid: That scares me more than anything else you have said.

Mr. Speaker: Order, please.

Hon. Mr. Davis: Far greater than Manitoba, Saskatchewan or British Columbia.

VIKING HOMES

Mr. S. Smith: I'd like to ask a question of the Minister of Community and Social Services: In light of the strong criticisms by a labour referee regarding the Marshall Children's Foundation operating Viking Homes, in which he said: "The Foundation showed complete disregard and contempt for the legislative intent and purpose of The Employment Standards Act," how is it that the minister continues to operate and accept under his ministry a series of group homes which he deals with? They are improperly inspected and labour standards and other standards are disregarded. When is he actually going to move to clean up the whole group home situation in the province of Ontario under his ministry?

Hon. Mr. Taylor: Mr. Speaker, for the information of the leader of the third party, my ministry does not operate these group homes.

Mr. S. Smith: You deal with them.

Interjections.

Mr. S. Smith: Can the minister assure this House of two things? Can the minister assure this House that we're finally going to get our hands on the interministerial study he has been looking at for the last eight months detailing all aspects of group home care in this province? Secondly, can he give us some assurance that he will not deal with and will not fund, directly or indirectly through his ministry, any group homes which are not thoroughly inspected and which do

not totally meet the employment standards of this province?

An hon. member: That's a fair question.

Hon. Mr. Taylor: Mr. Speaker, in answer to the first part of the question, I think the member is referring—

Mr. Good: Send it in a plain brown envelope.

Hon. Mr. Taylor: —to the interministerial report dealing with residential care which is currently being discussed and considered by the policy field. If he wishes to question that further I would ask him to direct his question to the Provincial Secretary for Social Development because that report is under her aegis.

Mr. R. S. Smith: You had it first.

Mr. S. Smith: Are you keeping it as a souvenir?

Mr. R. S. Smith: She says she doesn't have it.

Hon. Mr. Taylor: With regard to the group homes of which the member speaks, they are utilized by various agencies. We don't deal with those directly, although of course we fund the municipalities that may use those particular homes.

Mrs. Campbell: Sure, but you don't care how they are run.

Mr. S. Smith: Supplementary: Can the minister assure us he is going to insist on inspection for all group homes that are funded directly or indirectly, including those that have only a few residents therein? And can he assure us that he will refuse to deal with any organizations that do not accept and obey the labour standards, the physical standards and all other standards of his ministry and of the Ministry of Labour in this province?

Hon. Mr. Taylor: It goes without question that the—

Mr. Mancini: Why didn't you say that before?

Hon. Mr. Taylor: Well absolutely; certainly the group homes have to meet the standards, whether they be health standards, fire standards or labour standards.

Mr. Speaker: Any further questions from the member for Hamilton West? The member for Carleton East then.

GUIDELINES FOR JUDGES

Ms. Gigantes: I have a question for the Provincial Secretary for Justice: I wonder if he is familiar with the phenomenon known as the male menopause?

[Laughter]

Mr. Speaker: It's a question of urgent public importance I am sure.

Hon. Mr. MacBeth: I am not sure whether I have yet passed through it or I am right in the middle of it, but I think it's rather the latter.

[Laughter]

Mr. Breithaupt: Wait until you hear the supplementary!

An hon. member: It is your second childhood you are in.

Mr. Speaker: We'll have the supplementary now then please.

Ms. Gigantes: I hardly know how to pose this part of the question, Mr. Speaker, but I wonder if the minister, in spite of the fact of his current condition, might consider developing with the Attorney General (Mr. McMurtry) some guidelines that provincial court judges could use when they are dealing with testimony which may be unreliable because male witnesses are passing through the phenomenon of the male menopause?

Mr. Breithaupt: Did you check the judges too?

Hon. Mr. MacBeth: Under the circumstances, Mr. Speaker, it sounds like a reasonable suggestion.

APPOINTMENTS TO
POLICE COMMISSIONS

Mr. Conway: A question of the Solicitor General: Is it the policy of his department where vacancies in police commissions occur to solicit the advice of local municipal councils with respect to replacing those absentees?

Hon. Mr. MacBeth: As far as appointments to police commissions across the province are concerned, they are made, as you know sir, by the Lieutenant Governor in Council. Those are done, generally, on the advice or the recommendation of the Solicitor General, and I receive, as such, a great deal of input from various sources, sometimes from local

councils, sometimes from local members and sometimes from concerned citizens.

Mr. Conway: Supplementary: Can the minister tell me why then, in the case of the town of Deep River, where there was an absentee and where the local municipal council was approached by the Ontario Police Commission, I believe, for a specific recommendation; and whereas they supplied the name of a very reputable person, that particular recommendation was totally ignored and the particular council was not at all taken into confidence on the matter, which they had been led to believe they would in fact be?

Hon. Mr. MacBeth: I am not sure who led them to believe their recommendation would automatically be accepted. I doubt if anybody did that, sir; that is not the way it's worked. As I have said, they are made by the Lieutenant Governor in Council and there is no guarantee when we seek information as to recommendations that that information will be acted upon by the cabinet, sir.

Mr. Conway: Why would the minister bother at all to approach this particular council, as in this particular instance, and simply ignore them in the final results? They feel particularly left out in this process.

Hon. Mr. MacBeth: Mr. Speaker, we seek our information from many sources and don't limit ourselves to one recommendation.

MIAMI-CAREY WORKERS

Mr. Philip: Mr. Speaker, a question for the Minister of Labour: Is the ministry willing to intervene with Miami-Carey, a multi-national corporation, to get it to give the right of first refusal on jobs in their new Barrie plant to its Rexdale workers who are losing their jobs as a result of transferring the plant to Barrie?

Hon. B. Stephenson: Mr. Speaker, I gather this company, for economic reasons, is consolidating its plant in a new site and I am aware that it is following all of the requirements of The Employment Standards Act in the terminations which are being carried out. I am also aware they have approached the employment adjustment service of the Ministry of Labour with a view to establishing a joint manpower placement committee with our ministry and with the Manpower department of the federal government. It is my understanding that at least some of the employees in the present plant will transfer to Barrie. I do not know at this time how many,

but that I shall attempt to ascertain and inform this House.

Mr. Philip: Supplementary: Is the minister aware that the plant in fact did have enough property to expand in Rexdale but it sold this property? Is the minister prepared to amend the labour legislation to give successor rights to unions in cases like this where a plant is, in fact, transferred in its entirety from one location to another?

Hon. B. Stephenson: Mr. Speaker, The Labour Relations Act of this province is under constant review and this is one of the areas which we are examining.

PSYCHOLOGICAL ASSESSMENTS

Mrs. Campbell: Mr. Speaker, I have a question of the Minister of Health. Could the minister tell us whether Browndale Ontario provides family court with psychological assessments on children, some of whom are ending up in Viking House, an organization with financial and other ties with Browndale, and whether they derive an income from this work?

Hon. F. S. Miller: Mr. Speaker, I would need to look into that matter. I sought information on it a week or so ago and I can't recall it clearly enough to give her an answer. It may be an indication of my age.

Mrs. Campbell: I won't take that as having no validity, Mr. Speaker. When the minister is investigating this for an answer to me, would he also check, for his own purposes and for the purposes of reporting to the House, who is doing the assessments as suggested, and whether or not these are done by students who are approaching their Ph.D. in education and not trained psychologists?

Hon. F. S. Miller: Mr. Speaker, I know there are some students involved and I know this is being done as part of a training programme, but I understand it is always under the supervision of a qualified person and no charge for the student's work is involved.

Mr. Speaker: The Solicitor General has the answer to a question asked previously.

SOLICITOR-CLIENT COMMUNICATIONS

Hon. Mr. MacBeth: Mr. Speaker, I have now had an opportunity to inquire into the matter raised by the hon. member for Ottawa East (Mr. Roy) on Monday last. The

member expressed concern that the Ontario Provincial Police intercepted a private communication of one Donald Turner in April of this year, without having obtained the necessary court authorization.

I have determined that the Ontario Provincial Police did intercept a private communication of Donald Turner in April of 1976, and that they did so with proper authority. An authorization to intercept private communications of Donald Turner was issued by a Justice of the Supreme Court of Ontario on April 8, 1976. This authorization was valid from April 12, 1976, until May 11, 1976. I have personally examined the court authorization and I am satisfied that the interception in question was lawful.

I would also point out that Mr. Turner was served with notice of July 27, 1976, that he had been the object of an interception pursuant to an authorization issued under the provisions of the Criminal Code.

The member for Ottawa East expressed a second concern; namely, that a communication between a solicitor and his client may be intercepted. I agree with him, as a matter of general policy, that the interception of communications between a solicitor and his client is undesirable. There may, however—

Mr. Roy: Undesirable?

Mr. Singer: Undesirable?

Mr. Speaker: Order; order, please.

Mr. Singer: Order? That is ridiculous.

Mr. Sargent: He didn't write that speech.

Mr. S. Smith: Pretty mild, eh?

[3:00]

Hon. Mr. MacBeth: If there's any question, I said undesirable, Mr. Speaker.

There may, however, be occasions when it is justified, and this will be determined by a judge under the interception provisions of The Criminal Code. The judge determines what interceptions will be permitted when he gives the authorization. Furthermore, when it is proposed to introduce an intercepted communication in evidence at a trial, the trial judge determines whether it is properly admissible. Thus, the subject of the interception is protected by judicial review of the matter at two stages.

The Criminal Code contains stringent rules regarding the disclosure and use of intercepted communications and also requires that the authorization itself be kept confidential.

I am, therefore, limited in what I may disclose to this House.

Mr. Roy: Supplementary: First of all, if the Solicitor General has an authorization why is he not producing the authorization? Secondly, isn't it a fact that that authorization doesn't say specifically that you can intercept a communication between Turner and his solicitor? Thirdly, how can he, as the senior law officer of the Crown, not take a position and not support the police in this case when they trample on a basic right of a solicitor and his client, that is for a client to communicate in private assuming the confidentiality between a solicitor and client conversation?

Hon. Mr. MacBeth: I believe the question is why would I not table the authorization or produce it. The answer is simply I am prohibited by the Criminal Code from doing so.

Mr. Roy: You are not, you know you're not.

Hon. Mr. MacBeth: That statement is just as irresponsible as the ones the member made on Monday last.

Mr. Speaker: Order.

Mr. Roy: On a point of order, Mr. Speaker.

Mr. Speaker: A point of order.

Hon. Mr. Davis: We are not going to debate law in the House.

Mr. Singer: You don't have to debate the law. Just read the section.

POINT OF ORDER

Mr. Roy: I've been accused of being irresponsible. I'd like to bring to your attention, Mr. Speaker—

Mr. Speaker: Order, please.

Mr. Roy: On a point of order.

Mr. Speaker: Order, please. I've heard such words used in both directions across the floor on many occasions. Do you have a point of order?

Mr. Roy: Yes. Section 178 of the Criminal Code states: "All documents relating to an application made pursuant to section 178(12) and section 178(13) are confidential and with the exception of the authorization . . ."; and

that's what I'm talking about, the order of authorization. Produce it!

Hon. Mr. MacBeth: I could carry on this debate as long as the hon. member wishes me to do so. I happen to have the Code in front of me as well, and I might tell you, Mr. Speaker, he didn't read the whole section.

Interjections.

Mr. Roy: I will read the full section. On a point of order.

Mr. Speaker: Order. Just a moment: In the first place, the time for the oral question period has expired. This is getting into a debate and I am in no position to rule on a legal matter.

An hon. member: This is not a debate.

Mr. S. Smith: It is a major issue.

Mr. Speaker: Order, please.

Mr. Singer: Remember Bill 99? It is the same thing.

Mr. Speaker: I can't hear what you're saying.

Interjections.

Mr. Speaker: Just a moment, please. I have just mentioned that this is developing into a debate, one member having a difference of opinion with another member. I am in no position rule one way or the other, nor should I be. If you have a point of order, that's different.

Mr. Roy: I have a point of order.

Mr. Speaker: What is your point of order?

Mr. Roy: My point of order, basically, Mr. Speaker, is that the Solicitor General, the law officer of the Crown, the Provincial Secretary for Justice—he doesn't deserve to have that title really—

Interjections.

Mr. Roy: —says he's prohibited from producing this order. I'm saying that the courts have ruled already that the order is a public document, and the section of the Code says this. I say he's misleading the House.

Mr. Speaker: Order, please.

Interjections.

An hon. member: Withdraw that.

Mr. Speaker: Order, please. The hon. member for Ottawa East knows he may not make that charge; so I ask him, first of all, to withdraw it then I have a ruling to make.

Interjections.

Mr. Roy: I am not withdrawing the statement.

Mr. Speaker: Order, please. You must not make a statement like that and the hon. member knows it. I will await his statement now withdrawing his remark. Then I have a ruling to make.

Mr. Singer: Mr. Speaker, can I add a word to the point of order?

Mr. Speaker: No.

Interjections.

Mr. Speaker: Order, please; order. We will deal with this matter before the House right now.

Mr. Roy: Mr. Speaker, if I may say this to you, out of all respect for the Chair and the office you hold, this is one statement I'm not withdrawing.

Interjections.

Mr. Speaker: Order please. It is with regret I must name the hon. member and ask him to withdraw for the rest of the day.

Mr. Roy: I appeal your ruling.

Mr. Speaker: There's no appeal to that. No, there's no appeal.

Mr. Nixon: On a point of order, Mr. Speaker. You already said—

Mr. S. Smith: We can appeal.

Interjections.

[Mr. Roy was escorted from the chamber by the Sergeant at Arms.]

Mr. Speaker: Order, please. May I just point out one other thing? According to our rules of procedure it's quite clear that if any member is dissatisfied with the answer to a question, he has the right to raise the matter—

Mr. Sargent: Why don't you give him a hearing then?

Mr. Speaker: Order, please. And to bring it to the attention of the Speaker before 4 p.m. in writing, which has been done already in the case of another—

Mr. Singer: Nonsense.

Interjections.

Mr. Speaker: Order, please.

Mr. Singer: Next Tuesday night?

Mr. Speaker: It can be debated on the following Tuesday in the normal way. When there's a difference of opinion—

Interjections.

Mr. Speaker: Order, please.

This is the way this sort of matter should be handled and not put everybody in an embarrassing position such as this.

Interjections.

Mr. S. Smith: Mr. Speaker, on a point of order—

Mr. Speaker: Order, please. I'll recognize the hon. Leader of the Opposition.

POINTS OF ORDER

Mr. Lewis: I presume there will be many points of order. Mr. Speaker, on a point of order and expressing a matter of some personal frustration. In your view of these exchanges, when a member rises on a point of order as the member for Ottawa East (Mr. Roy) did, to read something into the record which is then challenged, when he rises on the point of order again, would it not be appropriate to allow him on that occasion to read the entire section into the record so that those of us who participate in these matters in the House could understand what was at issue rather than cutting members off abruptly and leading to the kind of frustration which requires the naming of a member?

Mr. Breithaupt: I should like to speak to that point of order as well, Mr. Speaker, particularly because of the comments made by the Solicitor General (Mr. MacBeth) which could have led certain members to believe that the failure to read the complete section necessarily negated the point of view of the member for Ottawa East.

Hon. Mr. Davis: His point of view, exactly.

Mr. Singer: Then why didn't the Solicitor General read it?

Mr. Breithaupt: If a certain section of the Criminal Code or any other item is quoted—

Mr. Singer: He deliberately implied he wouldn't follow through.

Mr. Breithaupt: —either partially or because certain other items are added to that section—

Mr. Singer: Why didn't you name him for imputing motives?

An hon. member: Why don't you name him?

Mr. Breithaupt: —the happier result for the benefit of the House, must be that the section is quoted and the matter can hopefully be resolved with common understanding of the initial point made by one member in a question or a minister in reply.

If that is attended to, we might be able to resolve these difficulties without allegations or insinuations being passed back and forth across the floor of this House due to incomplete information, which I might say may well be incomplete on both sides of the House on occasion.

The Chair would be much better served if that matter were allowed to be completed; then the House could proceed in a much more orderly fashion.

Mr. Speaker: I think both hon. members who spoke have a good point, but I would point out again it was developing into a debate which is not the order. However, I shall take that under advisement wherever possible. I'm sure we should—

Mr. Singer: Mr. Speaker, on a point of order.

Mr. Speaker: Does the hon. member not know the Speaker is still speaking?

Mr. Singer: Mr. Speaker—

Mr. Speaker: Order, please.

Interjections.

Mr. Singer: If you want to name me, go ahead.

Mr. Speaker: All right, the hon. member for Wilson Heights.

Mr. Singer: Thank you, Mr. Speaker. A part of the rules of this House says it is improper for a member to impute motives of another member. What happened here this afternoon was that the Solicitor General implied that my colleague from Ottawa East was misleading the House—

Some hon. members: No, no.

Mr. Singer: The implication was clear because he didn't read the whole of the section of the Code. He said—

Interjections.

Mr. Singer: He said, Mr. Speaker, that he had the—

Mr. Speaker: Order please.

Mr. Singer: —section of the Code in front of him. He was asked by several hon. members to read it. He refused to and you did not call him to order for imputing motives.

[Applause]

Mr. Speaker: Order, order.

I'm sure the hon. Solicitor General did not accuse the hon. member of misleading the House.

Mr. S. Smith: On a point of order, he called him irresponsible.

Interjections.

Mr. Speaker: No! Order please.

Very unfortunately that seems to be an accusation that goes back and forth across this floor far too often anyway.

Mr. R. S. Smith: Are you there to protect the members?

Mr. S. Smith: It is the most fundamental point.

Mr. Lewis: Would it be too much to ask, Mr. Speaker, to beg your indulgence and that of the House to ask the Solicitor General to read that section of the Criminal Code, just for one moment now?

Mr. Breithaupt: We would listen with rapt attention.

Hon. Mr. MacBeth: Somewhere along the line I might have an opportunity to reply to what's been going on. I might say that I didn't reply earlier—

Mr. Reid: Mr. Speaker, you were on your feet, tell him to sit down.

Interjections.

Mr. Speaker: Order please. May I just have the floor? When there's a difference of opinion as to what the section says and means and so on, I think the proper way to handle it is, as I suggested, that the hon. member would notify the Chair that he is not satisfied with the answer and next Tuesday night present it in a formal way and read whatever five minutes allows at that time—

Mr. Reid: The dice are loaded one way in this deal.

Mr. Speaker: —because I'm not in a position to rule as to what the Act says or what its interpretation is at this time.

Mr. Sargent: Point of order, Mr. Speaker.

Hon. Mr. MacBeth: Mr. Speaker, I rise on a point of privilege.

Mr. Speaker: First of all we have the point of order over here. Is there a point of order?

Mr. Sargent: The Chair has obviously goofed very badly here, and if you want to do justice, bring the member back in the House and have the thing ironed out right now.

Mr. Speaker: No, this is not the place. But thank you very much for the advice.

The hon. Solicitor General with a point of privilege.

POINTS OF PRIVILEGE

Hon. Mr. MacBeth: The privilege, sir, that I wish to mention is simply this: That when I said that they didn't read the whole section, I was quite prepared to read the entire section—

Mr. Sargent: Why don't you? He should be here.

Hon. Mr. MacBeth: The reason I didn't read it, sir, is because there were interjections from the other side at that time—

Some hon. members: Oh, oh.

Hon. Mr. MacBeth: —you rose to your feet, sir, and I sat down.

Mr. Lewis: Please read it now for God's sake. I beg of you, read it! I want to know what it says.

Interjections.

Mr. Speaker: Order. Order please. On with the business of the House.

Petitions?

Mr. Lewis: Mr. Speaker, on a point of privilege. Why are we so maniacally inflexible in this place? Will you not allow the Solicitor General to satisfy curiosity by reading the one crummy little section of the Code which has caused this whole—please read it.

An hon. member: Not without Albert.

Interjections.

Mr. Speaker: Order, order.

Mr. Lewis: What is it, holy writ?

Mr. Speaker: Not even mine.
Presenting reports.

Interjections.

Mr. Speaker: The hon. member for Sudbury.

Interjections.

Hon. Mr. Welch: Great example for the school kids.

Mr. Lewis: Are you prepared to lead us?

Mr. S. Smith: On a point of privilege, Mr. Speaker. The House leader of the government party interjected that we are setting a poor example for the school children.

Interjections.

Hon. W. Newman: You are absolutely disgusting.

Mr. Speaker: Order please.

Hon. Mr. Davis: You know nothing about it.

Interjections.

Mr. S. Smith: Let me say this to that, because it says something about things here. Let me say something about this—

Interjections.

Mr. S. Smith: —I feel that that particular interjection impugns my own reputation; and on a point of privilege let me say this: The confidentiality of a correspondence between a client and a lawyer is the fundamental upon which the system of justice in this province is based—

[Applause]

Mr. S. Smith: —and if that is going to be refused and if the breach of that is to be termed merely undesirable, if that term is to be used and if my colleague from Ottawa East, who was attempting to bring the attention of the House to this—

Hon. Mr. Kerr: In the wrong way.

Mr. S. Smith: —is to have his motivation impugned by the Solicitor General, then surely justice demands that he be returned to this room and that we be able to hear the entire matter settled once and for all.

[Applause]

Mr. Speaker: Order please. That matter has already been dealt with. I recognize the member for Sudbury.

Mr. Lewis: What about the school children?

[3:15]

REPORTS

Mr. Germa from the standing public accounts committee presented the committee's report which was read as follows and adopted:

Your committee recommends that it be empowered to consider expenditures for the year 1975-76 under The Ontario Home Buyers Grant Act, 1975.

Mr. Breaugh, in the absence of Mr. Lawlor, from the standing administration of justice committee presented the committee's report which was read as follows and adopted:

Resolved: That supply in the following amounts and to defray the expenses of the Justice policy field be granted to Her Majesty for the fiscal year ending March 31, 1977:

Justice Policy Field

Justice policy programme \$459,000

POINT OF ORDER

Mr. Deans: On a point of order—I wonder if I might ask if the Premier (Mr. Davis) would listen for a moment as he is walking out the door: On Wednesday last the Premier indicated that he would make a statement some time this week with regard to the situation as it affects public health nurses in the province of Ontario. I don't know why I believe so, but I understand the Premier may not be here tomorrow, and I wonder why we wouldn't have had that statement by this time.

Mr. Speaker: I'm afraid I can't be of any assistance to the hon. member, but it will be brought to his attention, I am sure.

Motions.

Introduction of bills.

CONSTRUCTION SAFETY AMENDMENT ACT

Mr. di Santo moved first reading of Bill 163, An Act to amend The Construction Safety Act, 1973.

Motion agreed to.

Mr. di Santo: Mr. Speaker, the purpose of the bill is to prevent accidents, and the amendments would require compulsory employer safety training, compulsory worker safety training and immediate inquests into all fatal accidents in the construction industry.

Mr. Speaker: Orders of the day.

EMPLOYEES' HEALTH AND SAFETY ACT

(continued)

Resumption of the adjourned debate on the motion for second reading of Bill 139, An Act respecting Employees' Health and Safety.

Mr. Samis: Now that the storm has temporarily abated, I suppose my remarks will seem very anti-climactic after the theatrics of what has just preceded this. But I want you to know, Mr. Speaker, that I have resisted the temptation and the pressure from the member for Windsor-Riverside (Mr. Burr) to begin my remarks in the mother language of the two official languages of our country. I have been able to resist that pressure—not tomorrow in the question period, though.

When we concluded the debate on Tuesday evening, I was referring to some of my concerns about section 9, which dealt specifically with people in non-unionized industries, plants, businesses and operations who had some sense of insecurity about their employment. Although the procedures are fairly clear in the proposed Act, I still have some concern about the time lag and the fact that many people may be scared or intimidated to pursue the matter, even though they are completely in the right.

In that regard, whatever the final form of this bill, I would hope the minister would ensure us that she will take all steps to make sure that all the employees and employers of Ontario are made extremely, and thoroughly aware of all the provision of this legislation. Even if it is good legislation, I have a fear that sometimes people won't pursue it, if they don't know what their rights are.

What comes to mind is a piece of legislation we had here last year, The Business Practices Act, which represented a considerable event in the whole field of protecting consumer rights. My guess is that if we were to go out of this chamber this afternoon we would find that 99 out of 100 citizens would have never heard of the Act, would have no

idea what it is, and would not have any idea what rights they have guaranteed by that Act. Yet it was a very important piece of legislation. I would hope that the Minister of Labour would do something to make sure that this bill doesn't end up in that category, because it's too important to just pass a piece of legislation and then expect people to read about it.

I would hope she would send out information kits, people, caravans, films and whatever it may be into the communities in different regions of the province and have people go into the plants and the factories and have special meetings, so that the employees and the employers are made completely aware of their rights, the provisions and all the procedures. I think that's crucial for the implementation and effectiveness of this bill.

Coming from a part of the province where many people do not totally understand everything in the English language, I would also urge upon the minister that in eastern Ontario, and in northern Ontario as well, that all notices, reports, meetings and anything of this sort be done in the two official languages of this country. For some people it's not a privilege, and they shouldn't have to ask for this, it's their constitutional right. If we in Ontario, especially after the results of Monday, really believe in Confederation and the concept of partnership, I would hope, as we implement this Act at the local level, we would reflect our commitments to bilingualism and the true partnership that Canada represents.

One final point I would like to make again is the whole question of effectiveness which has been brought up by some of my colleagues earlier in the debate. When one takes something, for example, such as minimum wage legislation, many people know about the minimum wage, but how many really know about the provisions behind it and what enforcement there is of something which may be good in itself? If we don't have sufficient enforcement, then obviously it's not going to have much value at the local level and at the plant level among the individuals. I would hope that the minister would make adequate provisions for enforcement of all clauses of this legislation.

When this bill goes to committee, I would urge her not to knuckle under to any pressure, not to give in to anybody who argues on the basis of the dollar or the profit or of politics. Don't water this bill down at all; stand firm. The bill may have some imperfections. The member for Nickel Belt (Mr. Laughren) has already pointed those out. I

would hope that the minister would keep an open mind on the amendments being offered by the member for Nickel Belt. I feel that this bill is long, long overdue, but I do recognize it as a step forward.

Mr. Lane: I would like to make a few remarks on second reading of Bill 139, which brings in the recommendations set out by the Ham commission regarding employees' health and safety. I'm very disappointed about what some of the members have been saying about this bill. I quote the member for Sudbury (Mr. Germa) who said on November 16, 1976: "I never thought I would be put in a position to accept the crumbs off the table of the minister, but in this instance we have to take these crumbs."

Mr. Laughren: Some day we will get the table.

Mr. Lane: I say shame to this member. Sudbury people deserve a better member, one who would not be satisfied to accept crumbs. If he thinks that that's all this bill contains he should have had guts enough to get up and vote against it.

Mr. Laughren: Are you encouraging that or suggesting that?

Mr. Lane: Earlier in his ramblings, he said that his leader and the NDP members from the Sudbury area, and the union officials, had caused the Ham commission to be set up in the first place. I would remind the member that the Ham commission was set up when we had a majority government. If they could cause these things to happen under those conditions, then why should they accept crumbs now that we have a minority government and the NDP are the official opposition?

Mr. Lupusella: Is this on the principle of the bill?

Mr. Samis: What took you so long?

Mr. Wildman: Why weren't you out fighting for it?

Mr. Lane: Don't worry, I was. The November 15 issue of the Sudbury Star contained an article that relates to a speech the Leader of the Opposition (Mr. Lewis) made to the NDP convention in Saskatchewan last weekend. The article's headline reads: "Lewis Sees Elliot Lake as a Town of Dead and Dying." What a terrible image to give to the people of another province about one of the most thriving towns in northern Ontario. Elliot Lake is anything but dead or dying; it is very much alive and well. Once more,

I, as a member, and the Elliot Lake people are proud of our town and we object very strongly to this type of a statement.

Mr. Wildman: We are proud of Gus Frobels more than you, John.

Mr. Lane: Members of the opposition are speaking out of both sides of their mouths on this bill. On one hand they are saying they are going to support it; on the other hand they are saying it's no good. I think they should make up their minds.

Mr. Wildman: We said it was a step forward.

Mr. Lane: Personally, I say the bill goes a long way to implement the recommendations of the Ham commission.

Mr. Mackenzie: Positively radical.

Mr. Lane: I think it is a great step forward and I want to congratulate the minister on the bill. I think it's very unfair that she must listen to criticisms about herself and her colleague, the Minister of Natural Resources (Mr. Bernier) because in my estimation both ministers have done and are doing a commendable job.

Mrs. Campbell: Mr. Speaker, I had not intended to intrude myself into the debate on second reading. I felt this legislation was so vital to labour relations in this province that it should go to committee at the earliest opportunity so that any amendments might be incorporated and so that at long last we might have appropriate legislation in this province.

However, it would seem there are those who are not too anxious to see it proceed quickly to the amendment stage. I would only say I am saddened at this, in view of the fact that it would appear that when our member (Mr. Haggerty) introduced amendments to The Mining Act in November, 1970, dealing with the mandatory appointment of committees of safety, that move was defeated by the combined effort of both the New Democratic Party and the Conservatives on a vote of 72 opposed to 18 in favour. I would have thought that perhaps at this point in time the opposition might have joined with us in our concern to see this legislation go forward.

I want also to speak briefly of my concerns. I had the occasion to meet with this minister and others in a discussion of the problems of lead pollution in the city of Toronto. At that point in time I was deeply concerned at what seemed to be, with

respect, a rather incomplete answer to the problem of the employees in these firms and their ability, not because they were not capable, but because they couldn't get the information upon which to base a decision as to the hazardous conditions in their particular field of occupation.

It was also pointed out at that time that not even the local board of health could get this information, and I think perhaps that may have come as a surprise to the minister herself, although she didn't express that. I just took it from the general tone of the conversation. Surely it is important that the workers in our industrial plants, be they of whatever kind, at a time when we are moving into an area of increasing use of chemicals of which we do not have adequate knowledge, should at least be accorded every possible opportunity to be able to investigate their circumstances as fully as possible?

I recognize it is not within the principle of this bill to urge upon the minister the obligation of government to carry out adequate research in this field. I feel that as a result of her own experience in the medical field and what I believe to be her concern she would join with us in seeking ways and means to protect the workers to a much greater extent than they are protected under the principle of this bill at this point in time.

[3:30]

We cannot accept in our society that there are people who are working in conditions which are really unknown to them as to the hazard because they have no real measurement devices. I speak with a view to trying to bring forward the concerns which we feel in this particular area and to invite the minister to join with all of us in this House in trying to work out better research facilities in this area. I see she's nodding her head and I am delighted she is considering this. We must have committees which are able to go as far as they can in protecting the workers but we have an obligation in government, it seems to me, to ensure that those committees have access to the fullest information so that they can in turn assist those working in the plant.

I trust we may shortly move to any amendments we have and get this very-long-overdue and much-needed bill enacted.

Mr. Ziemba: Mr. Speaker, the bill before us, Bill 139, would appear to deal with worker input into matters of health and safety in the work place, matters which for too long have been dealt with exclusively by

management to the detriment of workers and the public of this province.

On reading sections 2 and 3, which attempt to ensure worker input, I can see that through the ambiguous wording, there will continue to be management intimidation and coverup.

In section 2, for example, the insertion of the word reasonable puts the onus regarding health and safety practices equally on the employee, right where it is now. In many cases, the workers who are confronted by safety hazards and dangerous work practices are junior members of the work force; intimidation and threats are tried and proved methods of keeping these people in line.

I would like to make a point here that most decisions regarding dangerous work practices are made at the worker-foreman level. The corporate board rooms rarely get involved.

A junior employee of limited experience under the terms of this clause is forced to make a decision against all the experience and knowledge of foremen and managers. I suggest the situation is too one-sided. Here is an example from yesterday's Star to make the point. I am going to quote:

"Miner in wrong place when he was killed.

"Sudbury: Daniel Sirois, a shift boss at Inco Ltd.'s Frood mine, told a coroner's jury yesterday that he did not know why David Cullen, 35, was working where he was when he was killed last April. The inquest is the second to investigate the death of the Sudbury miner killed while operating a scoop tram, an underground front-end loader. Sirois said yesterday he told Cullen to work near the mouth of the tunnel where the accident happened but not inside it."

Dead men tell no tales and we will never know about this. What I am saying about unsafe conditions which people work in is that they are usually told to work there. So I don't think you can go to the shift boss who sent you in there or has told you to follow a certain practice and say to him, "I think it's unsafe." You're immediately going to have a confrontation when you do that, and that's what this Act is saying.

I suggest that where a worker has cause—and cause only, without the inclusion of the word "reasonable"—to feel that a work situation presents a hazard or a danger, he should decide that the practice should stop immediately and report the situation to a safety representative who represents employees. If we really want to get worker input into safety, all responsibility will be given to em-

ployees and their representatives to decide what is safe and what is unsafe. This representative, in turn, will meet with the employer representative. Only in this manner can the employee be expected to make a responsible decision within the confines of his experience. This is the crux of the matter.

Safety should not be a matter of constant confrontation, a matter of who is right and who is wrong, a situation of "You do it or you get out," but a matter of real concern for all those involved. Sections 2 and 3, as now written, leave the whole matter of confrontation untouched. Only a fresh and honest approach to assure an employee's freedom and responsibilities towards safety matters is acceptable. The hedging in these clauses assures the continuing abuse by management representatives of the rights of workers to protect themselves.

Mr. G. I. Miller: Mr. Speaker, I really didn't intend to speak on Bill 139, but when I heard the NDP members to my right doing a lot of talking and leaving the impression that they are the only ones who are concerned about the welfare of the worker, I felt it was only responsible that we should have a few words on the bill.

Mr. Laughren: You are backfilling and protecting your flank.

Mr. G. I. Miller: You think so? I'd just like to point out that as an employee, when I used to employ myself, I wished many times that we'd had health and safety standards we could have applied to the work we had to do. We often had to get up into a hay mow when we were blowing in dry hay, and we had to make sure everything was running okay—I don't know, those fellows to my right would probably have disappeared.

Mr. Ruston: That's right. They would have been long gone.

Mr. G. I. Miller: Or if they had to ride the combine in that dusty clover field and live in that dust while they combined all day, I think they would have had second thoughts too.

Mr. Laughren: Do you think we're physically inferior?

Mr. Deputy Speaker: Order, please. The hon. member for Nickel Belt (Mr. Laughren) does not have the floor. Will the member for Haldimand-Norfolk (Mr. G. I. Miller) ignore the interjections and speak to the principle of the Bill 139?

Mr. G. I. Miller: I certainly am getting around to that point, Mr. Speaker. I thank you again for the privilege of speaking on the bill. I was just trying to point out what we, as employees who employed ourselves, had to contend with for many years.

Getting back to the bill, I feel it is a good bill. My colleagues have spoken on it and I think it is a step in the right direction. The only thing I'm concerned about is section 4(6), setting up the committee, which says they should meet four times a year or not more often than once a month. Meeting four times a year perhaps is proper, but meeting on a once-a-month basis maybe is not often enough in some instances or circumstances. Perhaps there should be some reconsideration given to that portion.

The other area of my concern is section 7, regarding notices in languages that the employees can understand. I think we're all aware of the fact that we have many languages to contend with now and I think we want to make sure that the employees aren't taken advantage of. I know the French language is an issue at the present time, and that should be a consideration, but I don't feel it is necessary if there is not a predominance or a French issue in the area that is involved. I do feel, however, that the employees should be notified properly so that they can be made aware and have their rights taken care of.

The last point I would like to speak on is the fact that I am happy to see that it is at least 50 per cent made up of employees. Maybe another concern is how many members will be on the committee. I don't know if that is spelled out clearly or not. I think we also have to be responsible to the employer. I would hope that the employees would not take advantage just for a stop-work order, and I think there should be some responsibility on behalf of the employees to their employer that they're not utilizing it to their advantage and to the disadvantage of the employer. That point has to be reckoned with.

Mr. Grande: Mr. Speaker, I rise to make a few comments on this bill, Bill 139, and to begin with I want to say that this bill is one step in the right direction, and this has been said over and over again by every member of the New Democratic Party who has spoken. It is a step in the right direction but, of course, like any bill that the government produces, it doesn't go far enough to save the lives of workers in the mines or on the job sites.

One of the things that I'm reminded of is that the record of this government in

terms of the legislation to protect workers on the job site is, to say the least, dismal; to say the least, a failure. When we take a look at the man-days lost through accidents on the job because of poor conditions, or lack of safety conditions on the job, we find out that the number of man-days lost is approximately 30 per cent higher—as a matter of fact, 33 per cent higher to be exact—than the man-days lost due to strikes and lock-outs. It's incredible, really incredible, and the press, whenever there's a strike, puts it on the front pages as if the end of the world has come, but when men, every day, are dying on the job, nothing is being said. Nothing is being said.

One of the things that really flabbergasted me when I came into this Legislature the first time that I heard it, was the fact that 9,000 chemical compounds enter the work place every year and we know something about only one-third of those compounds in terms of the reactions, in terms of the fumes and what those fumes do to the lungs of workers. It's incredible in an adult world that supposedly should be geared to logic, somewhat to logic, we find employers are toying with the lives of workers by putting in those chemicals which we know nothing about. I really find that disturbing; a very disturbing fact.

I can understand an 11- or 12-year-old boy or girl playing around with their chemistry sets at home and not understanding the chemical compounds and the dangers that might ensue from these chemical compounds as a result of the chemical combination, but to find out that it's happening in the factories, to find that it is happening on job sites, is something that really astounds me. I just don't understand it. I don't understand how that is allowed to go on.

I say I don't understand it in terms of my emotive senses, but I do understand it in terms of the profit component that that kind of mentality produces. In other words, if we use these cheap chemicals we can clean the parts of the machinery a lot faster at less cost, and who cares about the life of a worker.

Mr. Kerrio: We all do. Who are you kidding?

[3:45]

Mr. Grande: The whole mentality of the Workmen's Compensation Board speaks exactly to that principle—the worker gets hurt on the job; once he's hurt we will compensate him—instead of going to the philosophy, to the beginning and saying, "What are the

reasons for a worker getting hurt? Let's get rid of the cause and we will lessen the number of accidents which happen on the job."

Of course, everything is in the reverse order. This Workmen's Compensation Board might have been a fantastic idea in 1915 but certainly this year—let me say to the minister that I speak as the result of experience I've had with it in the last year and not before—as a result of that experience I must say that changes must be coming as fast as possible within that complex. Otherwise we are going to have thousands and thousands more people injured on the job.

We'll say, "Sure, we will compensate them once they're hurt." By that time it is too late. The frustration of these workers is almost reaching a peak and the minister is going to be forced to change the Workmen's Compensation Board. She is going to do it.

I want to go back to that philosophy which in essence is the principle of this bill. That is that whenever there are accidents at the work place or on the job site and whenever there is any threat to the lives of workers, all we do is change the worker so that the worker can fit the environment and thereby do the productive job he's supposed to be doing. That's exactly what happens. We put masks on workers and say, "Work with a mask because that will protect you from the environment, from the conditions of work."

If I'm allowed to digress for just a couple of sentences. I hear repeatedly, over and over again that we do exactly the same thing with the educational system. We say "We will change the child to the system." It's the same mentality. That's the point that I'm trying to make—it's the same type of mentality.

The government tries to change the individual to fit the environment rather than changing the environment so that the individual can work and live in a secure place, knowing full well that after eight hours of work he can go back to his family with some security, instead of after five years, two years or 20 years, contracting all sorts of diseases which will destroy that worker.

As I have said and I will repeat, this legislation is the first step but let the minister not forget that even this first step is 10 years too late. It took the Ham commission report to wake up the government to the need. It didn't realize the need before otherwise it would have brought in this legislation five years ago. But it didn't do it. The Tories need that motivation so they can go to businesses and employers in the mines and

say, "We've got to act. The pressure upon us is too great. We've got to do something tangible, something concrete, something visible."

Don't let anybody think the government did this because it understands the conditions on the job or understands the kind of frustrations the workers are going through. It understands the conditions of the worker on Workmen's Compensation so it is trying to change the conditions of work so that will not take place.

The Tories did it because the Ham commission said, "For too long these hazards on the job have existed, especially in the mines. You've got to do something about it. You've got to change the situation." This provides the excuse for the Tories to say to the employer, "Now we must act."

Let me end this, because I hadn't planned on speaking for more than two or three minutes. That particular amendment which I am sure we are going to be presenting, of making these committees mandatory, is most—as a matter of fact, it is mandatory that it gets done. The only way the worker can really have any security whatsoever that the working condition is going to be changing is if the committee is mandatory and not at the discretion of the employer.

Mr. Bain: Mr. Speaker, many of my colleagues in the New Democratic Party feel a certain amount of reluctance to speak, each of us—

Mr. Kerrio: Reluctance?

Mr. Bain: —because members may feel we are overstating the case. I rise, as my colleagues have risen, not to speak for myself—

Hon. B. Stephenson: That's reluctance.

Mr. Bain: —but to speak for the miner that I knew as a child, whom I watched in his rocking chair wheeze out the last days of his life, or for the man working in the bush who was forced to work under conditions that could do nothing but lead eventually to a crippling accident. I rise to speak for all the young miners who are in the mines today in their thirties who are already becoming deaf. I rise to speak for the workers in Ontario and all the workers in my riding who have the right to expect and have had the right to expect for a long time that they be accorded what I feel is a basic democratic right, or should have been a basic democratic right, to have safe working conditions. That has been a right that this govern-

ment has not accorded them, for these many years.

Bill 139 looks to be a good bill. It looks as if it will accomplish some of the basic things that are essential, such as co-ordinating the enforcement of basic standards by putting that enforcement under the jurisdiction of one ministry, which is something we have been requesting in this party for quite some time. It looks as if it will do a job because it gives the worker the right to refuse to work in unsafe conditions.

I say "it looks" because we see many examples in this province and in this House, where the Minister of Labour actually makes statements in this House that are anti-labour. One cannot help but conclude that when the minister in her heart sees a circumstance, she does not immediately bound to the floor in the defence of working people in this province.

Hon. B. Stephenson: You are deaf.

Mr. Bain: Too often I have seen her rise in this House to defend the mandarins and the bureaucrats in the vertical—or is it horizontal?—files of the Workmen's Compensation Board, when an injustice is brought to her attention or when the Compensation Board refuses, as it did a few years ago, to compensate for silicosis—eventually it did—or when it now refuses to compensate for cancer of the throat brought on by asbestosis, or when it refuses—and I don't have the case in front of me—to compensate for bronchogenic carcinoma. Forgive me, I'm not a medical doctor and I don't have the phrase right in front of me.

The reason I hesitated over the phrase is it doesn't make any sense to me. I have a case presently before the Compensation Board where the doctor himself has written to the board saying it doesn't matter whether it's silicosis or bronchogenic carcinoma or whatever it is, the condition of this man was brought about because he worked in the mine, and anybody in the medical profession would agree. I don't see why we've had all the problems over the years of trying to pigeonhole people who have been put in a position where they contract diseases because of their work place, trying to pigeonhole them into some category so they will collect compensation. In reality, all that has been done is that the Compensation Board has succeeded in denying them compensation that they had every right to expect.

The Compensation Board, to my way of thinking, has been a shining example of what has been wrong with this government's atti-

tude when it comes to working people. I had a situation again where a doctor prescribed a particular drug for leg cramps that were brought about by a compensable injury, and there the wrangling going back and forth between him and the Compensation Board doctors—

Mr. Deputy Speaker: What principle of this bill is the hon. member relating to?

Hon. B. Stephenson: Section 3?

Mr. Bain: I'm relating it to the whole position of working people in this province, and the Compensation Board, in fact, is mentioned in this bill, in one of the sections. But simply to conclude on the Compensation Board, the doctor in question was finally forced into a position where he had to accept a particular drug prescribed by the Compensation Board as opposed to the drug that he felt was best, simply so the worker could collect the charge for such a drug. That kind of thing is totally ridiculous.

The position that I come to with this bill, as I said earlier, is that it appears it will do some good. But I'm afraid the only way this bill will do any good is if there are a lot of New Democrats in this House to see that it's enforced. Why would I say that? Because I look at an example that's happened in my own riding, I look at an example of this government's supposed concern and the way it has gone about enforcing health standards.

Mr. Kerrio: Better do it now, because you are not going to have as many next time.

Mr. Bain: I am sure the minister is familiar with the situation at United Asbestos. Suffice to say that the Minister of Natural Resources (Mr. Bernier), who was in charge of the mines engineering branch—which will now be moved to this ministry under section 12 of this particular bill—stated on February 25: "United Asbestos, far from having the worst conditions yet, they were the best conditions yet in United Asbestos at Matachewan."

[That reassures us. This was the man—now this minister will be replacing him—who is responsible for enforcing work safety in the mines of this province. He speaks out, we are reassured. He had in his possession at that time reports that had been made as early as the fall of 1975, which indicated that the conditions at United Asbestos were deplorable, in fact the worst that the writer of the occupational health protection branch report had seen anywhere. He had those reports, yet he did nothing about them.]

He paraded bravely in this House and elsewhere as the defender of corporate inter-

ests. Finally, on the workers themselves, I must tell the minister that workers in northern Ontario do not have the same opportunities as people in the south. Jobs are few and far between and often they are forced into a position where they have to accept poor working conditions because they know there are not other jobs for them to go to.

This was a situation with the men who were working at Matachewan. I grew up near Matachewan and I saw that community when two gold mines closed; people were thrown out of work, 3,500 people were left without any economic base. The people in Matachewan not only left to find employment elsewhere, they literally took their homes with them on the floats of trucks as they left.

So everyone realized when United Asbestos went to Matachewan that this was important. Those same men who needed those jobs so desperately went out on strike in the beginning of April, and what did they demand? They simply demanded that they would be able to go back into the work place—

Mr. Deputy Speaker: I must remind the hon. member that every member in this House could bring out examples of where this bill might apply to a specific incident in his or her riding. It's not the practice in this House to give specific examples but to speak to the principle of this bill.

Mr. Bain: Mr. Speaker, I appreciate your recommendations and your admonitions, but I would remind the Speaker that there is no point in us passing any bill in this House unless it's going to apply to the people in all of our ridings and protect the workers in all of our ridings.

[4:00]

Mr. Deputy Speaker: If you want to get into specifics, there will be an opportunity during the committee stage of the bill.

Mr. Bain: I was about to mention that finally these men went out because they wanted only to go back into the work place and help clean it up. The company, of course, wouldn't do that. Finally, the Minister of Natural Resources (Mr. Bernier) had to get involved, and at that time he finally came around to saying that the attitude of the executives of United Asbestos was unbelievable. Why didn't he take that position earlier? Why didn't he admit that the executives of that company had a poor attitude? Why didn't he, from the very beginning, ensure that the mine was safely set up—

Mr. Deputy Speaker: Obviously the member didn't heed my original admonition. It wasn't a recommendation. I was insisting that you stick to the principle of the bill.

Mr. Bain: Mr. Speaker, the principle of the bill deals with such things—I could recite them if you would like me to, Mr. Speaker, but I won't do that for you; I know that you—

Mr. Deputy Speaker: I am well aware of the principles involved in this bill.

Mr. Bain: I am glad that you are and I am glad that you appreciate the importance of this bill; but this bill, like almost any other bill, has to be enforced. One of the sections of the bill, section 9, mentions that there will be no reprisals. This is an area where the ministry is going to have to be very diligent, because I am sure the minister will appreciate that having something written on a piece of paper does not mean the companies will abide by it.

I hope the minister will see that there are sufficient people in her ministry to enforce the provisions of this Act and safety in general. I am sure that people in the mines engineering branch of the Ministry of Natural Resources will tell the minister that one of the reasons they were so handicapped in enforcing their concern about mine safety was that they never had enough people to get around to all the mines; they could only deal with flash fire areas when they became well known to the people of the province through the media. The minister is going to have to make a real effort to see that these sections of this Act are stringently and rigorously enforced.

The Act itself is a step in the right direction. It doesn't go far enough, of course, in implementing the recommendations of the Ham commission. Something that I believe is most important is that we have to establish a way of tracking the people who have worked in mines. There has to be a continuous record kept of them. Examples have already been cited—the sinter plant at Inco in Sudbury and other plants around this province—where neither management nor anyone else really knows who has worked there; so it's impossible to contact these people and advise them they should be seeking medical assistance to make sure they haven't contacted any diseases that can be traced to their original place of employment. That was a recommendation of the Ham commission, and I hope it's one the minister will implement very shortly.

I am sure the minister will have the support of this party in her efforts—and I hope there are efforts on her part—to rigorously enforce this and really become, in her own cabinet, the spokesman for working people. When an issue is presented in this House, she shouldn't react on the side of the companies but on the side of the working people; and if on occasion she should err on the side of working people, I am sure no one in this province would ever hold that against her.

Mr. Kerrio: Mr. Speaker, I rise to support this very important legislation. I will be very brief, but there are comments that are important for me to make.

There are those in this House who would suggest that there is only one party interested in the worker and his well-being. I would like to say that's not quite true. When I stand in this House, I am very concerned about the worker and the work place, but I think there are many more responsibilities that some of the other people don't identify with.

We in the Liberal Party feel very strongly about representing all people in this province, whether they be workers or employers. This is the role of the government. I think that's what true government is all about, that they will keep the broader spectrum open and that when there is something that should be supported they will support it diligently and not attempt to make it appear that there's only one party in this House that is interested in the worker.

They know that is not true and I would bring this to the members' attention. I think this is a very valid point—having been a worker, having been an employer, and maybe having come from that small business spectrum that isn't even talked about here—the responsibility to those people who have to make things pay. Yes, they say, things go strictly down to the economy of the situation. I don't think that's quite true. I think such broad statements are what makes the credibility of what they're suggesting very untrue.

I think we must realize that all of us have a heavy responsibility. When we try to train the worker to be a safer worker we are doing it for his own good, and when we attempt to have safety meetings and have those employers attend those safety meetings and make it incumbent on them that the work place is as safe as they can make it, that's part of our responsibility.

Some can say this legislation should have come 10 years ago. They could say it should have come 200 years ago, when they took 12-year-old children in the mines. We are all

aware of that, but I say this bill is a good bill and we are going to support it. The Liberal Party has one great difference from the socialists and that is that we have a broad responsibility, and when I stand on this floor, I say that I represent that broad responsibility and I think they should do the same.

Mr. Deans: Mr. Speaker, I only have a few comments to make with regard to the bill. I am always interested in listening to the Liberal Party members speak of their responsibility. Methinks they doth protest too much. They seem compelled to point out their purity in the matter. I don't think we need to do that, since what we have done is self-evident to most people in the province of Ontario.

I think it's sad that we have to pass bills like this. I think it's a sad commentary on the state of the civilization that we live in that we have to ensure by law that safety and health will take precedence over the accumulation of wealth. That's what's happening.

I have been concerned, I think for almost all of my adult life and certainly for some of my pre-adult life, with the health and safety of workers. I have been concerned about it because I watched an old man die, and when my colleague from Timiskaming (Mr. Bain) spoke of seeing this happen, I want to say to the minister that I can recall the discussions that I had with my grandfather, who was a miner, who worked in intolerable conditions, who died prematurely because of the conditions that he had to work in, and I won't recite them here today because obviously they don't apply exactly in this day and age as they did in that day.

Oh, they did apply in this country too. In fact, the conditions that he spoke of are not really that terribly unlike the conditions that many people in the province of Ontario face on a day-to-day basis, given that we have now moved some 80 years from the time that he first started in the mines. But in other areas of the economy we have moved much more rapidly. We have developed all kinds of sophisticated machinery for production purposes. We have developed all kinds of sophisticated apparatus for the movement of people and things. We have even developed new procedures for legislative debates—though it wasn't evident this afternoon—but for some reason or other we have, and we have done that fairly rapidly. We can send a man to the moon now—

Mr. Kerrio: We have to have a protective suit, Ian.

Mr. Deans: —and we consider it a priority. Yet the truth of the matter is that when we send that man to the moon we take every single precautionary step to ensure that his or her—in this case up to now it's been his—well-being and person are protected throughout to the maximum degree. That's done under public scrutiny; people watch it every minute of the day and they see it happening. Yet we don't seem to be able to understand in a reasonably civilized way that there are a great number of conditions which currently exist in industry and in the mines, particularly, which are inhuman, which are hazardous, which have been dangerous and have affected the lives and the economic well-being of many people across this province, and which needed to be changed many years ago.

I put it in that way because, like everyone else, I am always glad when a bill comes forward which attempts to correct some injustice or some hazardous situation. But let me tell members that we have legislation in the province of Ontario at the moment. We have The Mines Safety Act—page after page of direction with regard to the safety of miners; much of it ignored. We have The Construction Safety Act, again page after page of supposed protection for people in the construction industry; much of it ignored.

I had the occasion to be part of the committee dealing with the Workmen's Compensation Board. I heard from the industrial safety branch about its inspections—this was two and a half to three years ago—about its inspection procedures and the kind of conditions which prevail through much of industry in the province of Ontario, much of it, if not all of it, in direct violation of the law.

Simply passing this law isn't going to change in any way the conditions people find themselves in. It isn't. What will change those conditions is how the government enforces this law. If it enforces this law in the same way as it has enforced the other safety laws, it won't work. If it is going to have inspectors phoning ahead and telling the company they'll be dropping by to make an inspection tomorrow or next week, as has been happening right across this province for years, then let me tell the House that all of the good intentions and all of the importance of this legislation will be lost.

The minister can't tell me from her place in this Legislature that it is a coincidence that workers are told on a particular day to go and clean up and get things put away

in their proper place, to clear the floors and reduce the dust levels. Then, just by accident, the inspector drops by the following day or the day after that. If the minister tells me that's a coincidence, I tell her that's nonsense. That has been happening across this province.

I'll tell her more than that. There are violations day after day in construction which will and have cost people their lives and caused others considerable aggravation and pain. The inspection procedures are virtually non-existent.

Mr. Kerrio: I've never had notice.

Mr. Deans: It's extremely difficult. I'll take the minister and let her speak to people working in the industry—

Hon. B. Stephenson: That is not true.

Mr. Kerrio: I have never had notice.

Mr. Deans: She can say—I don't care; I'm not sensitive to that.

Mr. Acting Speaker: Order, please. Perhaps the hon. member will continue speaking to the principle of the bill.

Mr. Deans: I'll take her and let her see people who work in the industry and they'll tell her about it. I don't understand what kind of enclosed, protected environment she lives in that she never comes into contact with the people I come into contact with. I don't understand that.

I know them. I deal with them working in construction on a day to day basis. They have complained repeatedly, time after time, about the conditions, particularly about the elevators put in on the construction sites which are supposed to raise and lower materials and persons.

Mr. Grande: Do you believe the workers?
[4:15]

Mr. Deans: It's a matter of who you believe, I suppose, and what you consider to be a violation and what you consider to be a hazard.

My worry about it is this, in any event. The law itself, like a lot of laws, can be full of good intentions. This law's filled with good intentions and I agree—and I support it. But what I really want to see is how you make it work.

If the minister is going to leave it up to the decisions of individuals, companies or employees, whether there will be safety com-

mittees formed, then she's going to find that by a very careful coercive measure that has gone on for years—it's called fear of the loss of one's job—that many of the hazards and many of the problems that have been in existence and in evidence for as long as I've been involved in the work force will continue. Because, you see, a worker is never fired for complaining about an unsafe situation. It's three or four months later that his services are no longer required and, of course, it's extremely difficult then to prove the reasons why. That's what I'm concerned about in terms of the application of the Act.

I think the minister has to be sure that there are mandatory safety committees. I think she has to be sure that those committees have the maximum amount of strength, that they are given every conceivable source of information with regard to safety and the hazards that are involved in health in order that they can do the job well. There has to be an ongoing flow of information to them about new materials, about new liquids, about new coolants, about what they should look for in terms of symptoms of illness and health problems in order that they can make an accurate assessment. I hope the minister is going to do that. I hope she is going to do that because that's what'll make it work adequately.

Let me go on just a moment just to say to the minister that if it works well and if we identify the hazardous areas then we can't arrive at a saw-off; there can be no compromise. The safety and the health of the people of the province of Ontario, working in whatever area, must be the primary consideration.

We can't accept the argument that "we would like to fix that up but we can't afford it," because if it's going to be an economic argument that we can't fix it up and so therefore it has to be allowed to continue for a period of time, then what you're really doing is saying that those people's lives can be played around with and we can't afford to have that happen. I'm not suggesting the minister said it, I'm suggesting we have to be careful not to do that.

On top of that, we have to make some very fundamental changes to the Workmen's Compensation Board and to the methods now being used to assess—I say to the minister, it's very much related to this bill, very much related to it. We have to make very fundamental changes to the way in which the Compensation Board performs its function.

We can't afford to have people waiting for such extended periods of time for their pay-

ments and the reason is this. If a worker is off either through accident or illness and has to wait for eight or 10, or 12, or 16 weeks in order that an assessment be made, an investigation take place, a judgement be forthcoming and then finally a cheque arrive, the next time that worker is faced with the same situation he will choose not to report it because he can't afford it; economically he can't survive.

That's why the minister has to make some changes. She is going to have to authorize on-the-spot immediate inspection by the local officers where they exist and, where they don't exist, she's going to have to make sure that there are a sufficient number of inspectors available to go out on one day's notice to job sites where there are questions being asked about their safety as a result of an accident. An immediate assessment must be made with regard to whether or not that particular situation the worker finds himself or herself in is related directly to employment or to the health hazard and therefore is justifiably a compensable accident or incident.

There are so many subtle ways of making sure that the workers are placed in such jeopardy that they themselves, are not able to stand up for the very thing which will protect their own health and their own lives. That's where the minister really has to put her emphasis.

Her emphasis must be on inspection and ensuring that there are committees established right across the province and that the Compensation Board is reoriented—that its thinking is reoriented so that it reverts to the position it once took, that where there was a doubt, the doubt was found in favour of the injured worker.

That hasn't been in application in this province for the last three years. That's very unfortunate. People in this province working for wages and salaries in the main don't earn sufficiently high wages or salaries in order to be able to withstand two or three months without pay. It is quite common now in dealing with the Workmen's Compensation Board that that happens—two to three months; eight to 12 weeks.

Hon. B. Stephenson: Give me some numbers so I can investigate.

Mr. Deans: I've done that. Go to the board. I've been up there with them.

Hon. B. Stephenson: Don't give them to the board; give them to me.

Mr. Laughren: I'd be glad to.

Mr. Deans: We'll give them to you.

Mr. Laughren: You reject them anyhow. What is the sense of giving them to you?

Mr. Acting Speaker: Order, please. Perhaps we can—

Mr. Deans: But I want the minister to know—this is right on the bill.

Mr. Acting Speaker: —cease debating the Workmen's Compensation Board's deficiencies or inefficiencies and get on with the second reading.

Mr. Deans: Mr. Speaker, I'm glad you raised it in that way because I know you and I share the concerns which will flow from workers not being able to have this Act administered in the way in which we intended because they are under severe financial hardship. You have raised it with me yourself so I know we share it.

I want to say that these are the subtle ways in which the Act will be circumvented. If the minister can't enforce the existing Acts, which she can't; if she allows the kind of economic pressures which are currently being allowed in the province to avoid compensable accidents; if she continues to allow employers to give workers light work rather than report accidents so that the hazardous situations don't come to her attention, she is never going to be able to clean up the work place in a way which will provide adequate protection for people.

I think this Act should be considered in conjunction with the other Acts to see exactly where they all fit together. I think, more than that, she has to recognize one thing. If she comes to a decision, however she comes to it, that a work place is so hazardous that people cannot work there, there has to be an absolutely clear and unequivocal guarantee that the employees don't suffer economically as a result of that decision. In the province of Ontario retraining and rehabilitation programmes must be set up and in place and working to guarantee that they will be able to maintain themselves and their families with some dignity.

That's why I keep asking the question about the minister's Manpower policies; it is very much a responsibility of the Minister of Labour. If she doesn't have all these things in place then this Act, with all its good intentions, isn't going to fill the bill and isn't going to protect the people in the way we in this Legislature hoped it would.

Hon. B. Stephenson: Mr. Speaker, I confess it is with some gratitude that I rise

finally to participate in this debate. I had anticipated that there would be strong support and therefore some limitation upon the length of debate but I gather there is some concern that authorship of this bill shall be shared within the House. I would like the members to know that I have absolutely no hesitation in suggesting that there are perhaps 125 authors of this bill. Pride of authorship is certainly not my primary concern.

In contrast to some of my hon. colleagues who have participated in this debate, I shall attempt to keep my remarks tightly related to the principles of the bill. I may digress a little but I promise you that I shall not become quite so tangential as some of those who have participated.

I don't possess as many years' experience in this Legislature as some of my colleagues and I am not therefore capable of dredging up from memory long past debates demonstrating either lack of resolve or change of position, or flip-flops, or whatever one would like to call them. Nor did my work experience in a number of jobs in this province—jobs long before I became a physician—and in my job as a physician as well, instil in me either the urge to be cynical about human beings in Ontario or to stratify Canadian society.

I do not relegate some citizens to lesser status. Unlike some others perhaps in this Legislature, the members of the government of Ontario believe that in this province there are no classes of citizens, that all people are equally important, whether they work on the production lines—

Mr. Acting Speaker: Order, please.

Mr. Bain: Did you ever hear of John Horner?

Mr. Acting Speaker: Order, please.

Hon. B. Stephenson: —whether they work on the farm, in the mine, on the construction site, in the general office or in the executive suite, they are all equally important citizens of this province.

Mr. Conway: Even if they are Tories.

Hon. B. Stephenson: And in spite of the irrelevance and vitriol contained in much of the hyperbole ventilated in this chamber, the government of this province has within the limits of current knowledge and generally accepted standards maintained throughout the years a concern for occupational safety and health at a level unsurpassed by any other jurisdiction—any other. If any member here present or not present, as I notice many are not—

Mr. Deans: Behind you as well.

Hon. B. Stephenson: —is able to produce a statistical record from any country or any province relevant to workers' health or safety which is consistently superior to that of Ontario, I think he or she should do it and do it immediately.

Mr. Deans: Why shouldn't we care?

Hon. B. Stephenson: Because it is not possible to do so.

Mr. Deans: Why shouldn't we care about that?

Hon. B. Stephenson: It is capricious, your argument, it is callous and it is unworthy of those who have never been required to assume full responsibility and accountability for their words and deeds to indulge in deliberate emotional manipulation of issues which must be resolved with the best possible combination of factual information, humanity, wisdom based upon knowledge and experience.

Any individual agency or institution charged with public responsibility and accountability must base its decisions and its actions upon valid, supportable evidence—

Mr. Grande: How much money do you want to spend?

Hon. B. Stephenson: —and information garnered through critical evaluation of all available scientifically valid research of the problem involved.

Such has been, and I believe must continue to be, the policy of this government if it is to act responsibly in the area of health and safety. As we all know one swallow doth not a summer make. And one statement by one researcher or one study by one scientist doth certainly not a factual truism make in regard to safety and health.

Interjections.

Hon. B. Stephenson: While I have no wish to denigrate the efforts of any single concerned scientist, the research carried out must be soundly based. It must be meticulously and ethically executed—

Mr. Bain: "Soundly" means we agree with you.

Hon. B. Stephenson: —and the conclusions drawn must be logically developed. Then the study must be subjected to the critical examination of all those equally expert in that field for denial or support—

Interjection.

Hon. B. Stephenson: —and subsequent examination, duplication and validation. The members of this House should know that the studies mentioned by the hon. Leader of the Opposition (Mr. Lewis), the one from Dr. Morgan, has not as yet received that support and validation as a result of the assessment of Dr. Morgan's peers and Dr. Selikoff has not as yet subjected his major study to the process of critical evaluation by his peer group—

Mr. Bain: If Columbus had waited for you he would never have landed in America.

Hon. B. Stephenson: —which contains many scientists equally gifted and expert in the field. However, Mr. Speaker, I would say to you and to the members of this House that both of these physicians are serving both science and society well by alerting all of us to existing and potential hazards. They are, along with others, stimulating at least some of the research activity vitally needed in this very difficult and increasingly important area.

For that, I believe all of us owe to them and to all of the other highly qualified experts throughout the world a major debt of gratitude.

But the bill that we are dealing with today does not deal with the past. It deals with the present and the future. Bill 139, as I have said repeatedly, is an important first step in our—

Mr. Grande: You work in a vacuum, don't you?

[4:30]

Hon. B. Stephenson: —active initiatives to improve the quality of working life in the province of Ontario. It is also supplementary to the existing Industrial and Construction Safety Act, in which the responsibility of the employer to provide a safe work place is already defined, and the enforcement procedures and plans and programmes are established.

This bill is an interim measure designed to increase the involvement of the worker in matters of work place health and safety; to encourage the assumption of personal responsibility of individual workers; to provide for improved channels of communication between employers and employees in health and safety matters; to increase and broaden access to relevant, factual information; and to protect the worker who exercises his or her health and safety responsibility prudently and judiciously.

It is also to consolidate within the Ministry of Labour responsibility for the appropriate parts of The Mining Act and The Silicosis Act. By passage of this legislation the Ministry of Labour will be responsible for all policies and programmes of the provincial government aimed at ensuring the health and safety of persons within their work environment. At the same time, I should tell members that at the direction of the government an extensive review is being made of The Mining Act at this time. The Construction Safety Act and The Industrial Safety Act have been undergoing a review with the express purpose of introducing a comprehensive statute for all employees in the province of Ontario.

At the beginning of the next session the government will introduce a comprehensive occupational health and safety statute which will formally establish, in the Ministry of Labour, an occupational health and safety authority responsible for the health and safety of all employees in the province of Ontario.

The legislation will contain all of the powers and the responsibilities necessary to effect such an important mandate. As a first step, as members all know and, Mr. Speaker, you are very much aware, the government has already appointed the assistant deputy minister under whom the authority will be constituted, Dr. Rodney May.

I want this House to understand that the government is firmly committed to meeting the twin needs for greater openness and greater employee participation in matters of health and safety and the development of a well-considered internal responsibility system in which labour and management can co-operate fully to control occupational hazards. Combined with these objectives the government wants to provide the most effective external evaluation system possible.

Members can appreciate that the implementation of these principles entails complicated and really rather massive changes to existing legislation which is now in the form of at least four separate statutes. I'm sure, Mr. Speaker, you will agree that this is much too important a task to be hastily undertaken if Ontario is to have the most up to date institutional framework possible.

Quite clearly, some time for thoughtful deliberation should be permitted to the development of this legislation. Any comprehensive statute must, I think, embrace not only the broad principles emphasized by Dr. Ham and his commission and those persons and organizations who appeared before it but, as well, the technical considerations and prac-

tical language required to respond to the new technology and the work practices which have been developed in recent years and will continue to evolve and change.

As many members of this House are aware, the Ministry of Labour undertook, as I suggested earlier, a review of The Industrial Safety Act and The Construction Safety Act, beginning last February. As a matter of fact, as a result of that activity the proposals which are contained in Bill 139 were developed in the late spring and early summer for presentation to this session of the House. Because Dr. Ham's report coincided with the time at which we wished to make these amendments to The Industrial and Construction Safety Acts, we felt that when the Ministry of Labour became responsible for mine safety and for the health and safety of miners it would be appropriate to introduce similar additions to part IX of The Mining Act so that all our health and safety laws would be kept in step while we await the introduction of the omnibus statute.

These proposed amendments to our health and safety legislation, as members are aware, will allow for the formation of labour-management. We feel that it would be an error to destroy the relationship which has been developed in those committees, by introducing legislation which would make it mandatory to set up a committee of specific size and structure to meet the legislation which we develop.

The reasons for which these committees should be set up will be available to us through complaints by workers, through our inspection programme which is an excellent programme indeed, and through the statistics which we will be receiving from our improved data system. We have deliberately introduced the concept that when we have any cause to suspect that there is a need for a health and safety committee, no matter what the size of the industrial establishment or the institution, that committee will be set up according to the format prescribed by the ministry and so it can be monitored in a regular manner to ensure that it is serving its purpose.

The amendments also allow the right of an employee to refuse to perform work where he has reasonable grounds for doing so. I would remind the members of this House that that right has been enshrined within The Industrial Safety Act and The Construction Safety Act since 1971. There has been protection for the worker in the organized situation but none for the worker in the unorganized situation. The additional amendments to provide the worker with that protection have been included in this Act.

There is also within the Act a requirement for the mandatory publication of inspection reports and official directions in all places where investigations and inspections have been carried out. In this way the information which all of the workers require will be available to them immediately following the inspection procedure and they will be able to monitor the actions of the employer.

The right of an employee, without loss of wages, to accompany an inspector during a physical inspection of the work place and to full consultation during the inspection process is enshrined in these amendments. Finally, there is a provision for annual summaries of all of the work injury statistics for that specific work place to be published within the work place for all of the employees to see.

I want to emphasize that these proposals are based on the assumption that effective solutions to the health and safety issues of our work places cannot centre totally on providing more inspectors and more penalties. That assumption, I would remind the members of this House, is shared by the Ham commission. The vast number of work situations and the complex sets of human and technical factors which cause accidents mean that government inspection activity can only be a part of the solution—an important part but only a part. Much of the responsibility must rest with management and with labour for, as Dr. Ham observed, one of the major prospects for reducing the adverse human consequences of accidents lies in increasing the commitment and the capacity of all persons in the organization to detect and to correct anomalies of operation which contribute to accidents and industrial disease.

Before you, Mr. Speaker, is Bill 139, the interim legislation. To suggest that this legislation is or that it should be at this time all-encompassing or totally comprehensive is ludicrous. To suggest that any specific party within this House possesses primary interest in occupational health and safety or that one party has more insight than any other, is more acutely concerned than any other or is more knowledgeable about the problems inherent in this field, Mr. Speaker, I tell you, is meretricious mythology. To suggest that this government is less than totally committed to the development and maintenance of the best programme of occupational health and safety is spurious fabrication.

Mr. Conway: I thought you fired Michael Gee.

Mr. Acting Speaker: Order, please.

Hon. B. Stephenson: The time has come to rise above such infantile and adolescent behaviour and to work together to provide the legislative base upon which improvements can be made. I will emphasize again that this is interim legislation introduced to meet some of the important problems which present themselves in the work place, while we continue with the intensive review of all of the Acts which deal with safety and health in work places in this province. While many of the presentations heard in the last several days bore little or no relationship to the principle of Bill 139, I do sincerely thank those members who have outlined or specifically detailed work-place problems and relevant matters, such as data collection and research, which will be most seriously considered during our development of the omnibus occupational health and safety Act.

It is with a sense of heartfelt concern for the health and welfare of Ontario workers that I support passage of this piece of legislation as a significant step in the establishment of the optimum legislative support for the maintenance of the safest and healthiest work places possible for all of the people who work in the province of Ontario.

Motion agreed to.

Ordered for standing committee on resources development.

FAMILY LAW REFORM ACT

Hon. Mr. McMurtry moved second reading of Bill 140, An Act to reform the Law respecting Property Rights and Support Obligations between Married Persons and in other Family Relationships.

Mr. Acting Speaker: I understand the minister has a statement to make.

Hon. Mr. McMurtry: Yes, I have a brief statement to make. When this bill was introduced for first reading, I made a statement explaining in detail the principles contained in it. So I will reserve most of my comments for the close of this debate.

However, I would like to address myself to two of the major concerns demonstrated by the public reaction that we have received, at least to date. Much of the attention of the media and, consequently, the public has been focused on our proposals regarding persons living together in what is generally known as a common-law relationship. Unfortunately,

many of the comments that have been made are based on the mistaken impression of what our proposal is. I want to repeat now that this government does not propose that common-law spouses should share in the property of their partner nor do we propose that common-law spouses would have any control over the matrimonial home or any other property belonging to their partner.

What we do propose is that persons living in a relationship of some permanence should after a period of two years, or when they have a child, bear some responsibility toward each other for support. This obligation of support would arise only where the person claiming was unable to support himself or herself and the other person had the means to provide support. Much of the criticism we have heard comes from people living in a common-law relationship who feel that this proposal is an infringement of their personal freedom because they entered into an arrangement "with no strings attached." These are the very people who will be unaffected by this legislation because they do not form a financial dependency on each other. That is the very essence of their "no strings attached" relationship. If there is no financial dependency, there will be no need for support by the other party and there will not be a successful claim for support.

By contrast, however, there are many people living together in such relationships who are being exploited by their partner. They have been induced to enter into the relationship and to stay home and raise the children arising from the union, or children of another union, and have thus been put in a position of total dependency on the person as a result of being out of the labour market for a lengthy period of time. Many of these people are later abandoned and, under the present law, they have nowhere to turn but to the welfare authorities for support.

This is not a small problem. For example, in September of this year, the government of Ontario has paid out family benefits to over 13,000 unmarried mothers and their 26,000 dependent children, totalling over \$3.5 million for that month alone.

[4:45]

It is all very well for people to speak of their freedom to enter into a relationship with "no strings attached," and if that is truly what they mean, two self-sufficient individuals who have no economic dependence on each other, then we have no wish to interfere with their arrangements. Unfortunately, however, it often turns out that these relationships result in the evasion of respon-

sibilities toward a partner, and even children who are dependent. It is this kind of irresponsibility that we are aiming at.

I should point out that this is not the first time the common-law spouse has been recognized as having rights similar to a legally married person under Ontario legislation. Benefits are now available under The Workmen's Compensation Act, The Compensation for Victims of Crime Act, and The Public Service Superannuation Act to common-law spouses and they benefit from the exemptions available to spouses under The Gift Tax Act and The Succession Duty Act. We have also proposed in Bill 85 that common-law spouses should be able to claim support out of the estate of their deceased partner under much the same terms as are set out in this bill.

Another area of concern to members of the public, as reflected by their letters, is the application of the rules for sharing family assets in situations where the marriage has been of short duration, where one of the spouses did not share any of the burdens of providing for or raising a family, or where one of the spouses brings substantial property into a second marriage. The provisions of the bill have been designed with these kinds of situations in mind.

The basic rule of equal sharing will not apply where all the circumstances of the case render it inequitable that the family assets be shared equally. The court has the necessary power to do justice in each individual case as required by the situation of the parties, but as a general rule the principle of equality is supported by the bill.

I am gratified by the number of letters I've received expressing support for the principles embodied in this bill. I have said that it is a badly needed reform in areas of the law that have fallen behind in the needs and aspirations of today's society. This legislation offers married couples the prospect of justice on the horizon in the event of a marriage breakdown in the form of a fair share of property, support where there is need and the means to enforce a support order that is eventually made. Although there may be a need for some adjustments in the bill, I believe it responds to the challenge of modern family life, and the response that we have received from members of the public indicates that they're in general agreement with the philosophy of this legislation.

Mr. Renwick: I am delighted that the Attorney General (Mr. McMurty) made the effort to counteract the impression which was abroad about the effect of the cohabitation implications of the bill, relating to persons

living in a common-law relationship. There indeed has been—and I think it flowed from the minister's first statement—an immense misunderstanding about the implications of what the Attorney General himself said when he introduced the bill. I think it flowed too from some extemporaneous remarks which he made on occasion when confronted with these questions when he allowed some of his own particular high standards to intrude, as though those might very well be the high standards of everyone in the community of Ontario.

I have a sensation that the focus on that particular aspect of the bill has in fact detracted from some of the consideration which should have been given to many of its principles.

I'm glad, of course, that the bill has come before us. I had some sensation—and then I found, of course, that I was scientifically inaccurate—that during the long period of Tory rule in the province of Ontario there has been an immense increase in the extent and degree of domestic discord. I don't know whether there was any connection between the length of Tory rule and the increase of domestic discord in the province. Perhaps in a few years we'll see whether or not under our government it would be any different. I have no scientific evidence which would support that proposition so—

Mr. Singer: What? That there is going to be a government of your party? That's right; we will agree with that.

Mr. Renwick: —I can't put it forward as a corollary of Parkinson's law or any such other or even of Newton's second law of thermodynamics.

I did want, however, to speak about the bill in this sense—we in this party, after much consideration, have decided to give the bill support on second reading with certain very real qualifications which I hope I and my colleagues can bring to the attention of the Attorney General during the course of this debate. We want attention focused upon the areas of concern we have so that when the bill is discussed in committee we will be able to have the kind of exchange which will allow us to determine whether the areas about which we have concern are ones which can be remedied in committee or whether the explanations given by the ministry about our concerns will be sufficient to allay them or whether we might feel compelled on third reading of the bill, if the matters are not satisfactorily resolved, to vote against the bill.

I want to talk only briefly about the bill but I don't think, even in a bill such as this,

one can deal with it without some recognition of the interface between the federal jurisdiction and the provincial jurisdiction. In committee, we will want to have some debate or discussion about that interface because, as the House well knows, under section 91 of The British North America Act, the areas of marriage and divorce are dealt with as matters of federal jurisdiction; under section 92, questions of property and civil rights and the question of solemnization of marriage are dealt with as matters of provincial jurisdiction.

There are very real problems related to the effect of orders in divorce matters made under federal jurisdiction and the effect of orders which may be made from time to time for support purposes under Bill 140. I know there are saving clauses in the bill but I think it is an area to which we're going to have to give some very real consideration not only in the area of support obligations but in the area of property rights as to whether or not orders made under the divorce laws of Canada, which have an impact or effect upon property rights and an impact or effect on support obligations, would have an overriding jurisdiction which would preclude anyone from taking advantage of the provisions of this particular Bill 140.

I think, with some reservations, that the bill is a rather happy combination of concepts. I think we were in grave danger, with the immense amount of study which was done in this field of family law both by the Ontario Law Reform Commission and by the federal Law Reform Commission, of being tied into a certain conceptual framework, a particular conceptual framework, which was not really related to the reality of domestic life in the province of Ontario.

With a couple of reservations, I would say that the mixture of the concepts of matrimonial home, the right to possession of it, the definition of family assets including the matrimonial home for property purposes, and the introduction of a very significant area of judicial discretion probably meets the present needs of the society of Ontario as to how we give effect to the very needed improvements in property support and other relationships which have to be sorted out, particularly at the time of separation, whether by divorce, agreement or otherwise, in a marriage arrangement.

I think it is fair to say—speaking, again, conceptually about it—that the provisions of the bill which are found in section 49 are a very accurate statement of what we were about in the work leading to the reform of family law. I quote that section because it is

very far down in the Act and perhaps is the one single most important statement that is concerned in the bill. It says: "For all purposes of the law of Ontario, a married man has a legal personality that is independent, separate and distinct from that of his wife and a married woman has a legal personality that is independent, separate and distinct from that of her husband." The balance of section 49 and the remaining provisions for practical purposes of the rest of part V of the bill are to reinforce and to give effect to that very clear statement which is an attempt to undo the harm which was done by the rigours of the common law in the conceptual relationships between man and wife.

In a very real sense what this bill does in one of its fundamental characteristics is to provide for a consolidation and a restatement of those relationships, particularly as they impinge upon the time when a dissolution or a separation is about to take place. The bill removes from the law a large number of ancient and, I suppose, at one time honoured but now no longer appropriate provisions, both of statute law and common law, and does establish the equal position of married persons in all respects, not only as amongst themselves but in their status in the society as a whole. I therefore think that section 49 and the draftsmen of those particular sections have very clearly stated the fundamental principle upon which the bill is framed.

We move from that fundamental principle of the independence of each person in that relationship and we provide, certainly for the first time so far as I am aware, that that relationship in its aspects relating to family matters can be dealt with by a marriage contract. I would guess that we will see the use of marriage contracts in the province of Ontario much more in the future than we ever had in the past, not only for the technical reason that marriage contracts dealing with the dissolution of marriage were generally considered to be contrary to public policy and therefore that correction had to be made in the form of the law, but also to indicate that when you move from a status relationship to one of contract, you are in a very real sense moving into an area of greater freedom.

That is reflected in the provisions which permit marriage contracts to be put between persons who are married or who intend to marry.

A number of the provisions in the marriage contract section or part of the bill, part IV, deal with the extent to which that free con-

tractual right is cut down. I want to raise this one point with the minister, that while it very clearly says that any provisions in a marriage contract limiting the right in respect to the possession of the matrimonial home are void, and where certain support obligations cannot be waived or necessarily set aside, and where there are the usual protective provisions with respect to custody of children and the protection of one spouse as against the other in cases of undue influence or duress, nevertheless, it does appear to me—and I would hope that the minister, either in his reply or in committee, will direct his attention as to whether or not it was intended—that a marriage contract could, on the one hand, supersede entirely the provisions with respect to the division of family assets. Or looked at in the reverse way, is it open to a court on an application under part I of the bill with respect to family assets to override the provisions of the marriage contract?

I think that particular matter needs an immense amount of clarification because there is a provision in the early part of the bill that on an application to decide whether or not there should be something other than an equal division of family assets, one of the matters which a court in its discretion may take into account is something called any agreement between the parties. That is used in very general terms and doesn't necessarily relate, either wholly or exclusively, to marriage contract as it is defined in part IV of the bill.

[5:00]

Well, again with—

Mr. Singer: What about section 46? Particularly sub. 5.

Mr. Renwick: Yes, there is no question about the fraud or undue influence or duress. I wasn't concerned about that. I was talking about the kind of situations where two persons deliberately say, or intend to say at one point in their marriage relationship, we will be separate so far as our family assets are concerned and yet, at a later time, in the economic adjustment which must take place upon the dissolution or separation of those parties, that economic adjustment can be varied by a court in order to provide the most viable method of carrying out that economic adjustment.

Really it did seem to us as we went through the bill that is mainly what we are talking about, leaving aside some marginal references to custody in the bill—that in the marriage relationship what the bill is really

designed to accomplish is the most equitable economic adjustment as between the two parties at the time of the separation or of the divorce.

So that contradiction, or what appears to us to be a contradiction, or a lack of clarity in the bill needs, in our view, some explanation and perhaps in committee on further consideration an amendment may very well be necessary.

It's a funny thing about reading bills in the province of Ontario. They are much more understandable if you start at the back and read towards the front. I don't quite know why that is so, but I seem to find that that is the simpler way of dealing with this particular bill, in any event.

If I may move to the question of the matrimonial home, I think, as I said, that the concept of the matrimonial home and the right to possession of it and the wide discretion conferred on the court to make orders with respect to possession and occupancy of the matrimonial home under part III appears to be a very wise and salutary arrangement. I need not recap the long attempts by the courts to make the adjustment to bring into our law the concept of the matrimonial home. Now we find that, of course, it can best and most compendiously be expressed in statutory law.

The matrimonial home provision does appear to us to be a very worthwhile concept and does a great deal to settle the immediate and crucial problem which always occurs at the time of a separation or a dissolution of a marriage. In one other section of the bill there is a specific provision about the Crown being bound; I think it's in part II of the bill relating to support obligations. It does appear to us that where the matrimonial home also includes property held under lease and where a significant amount of the housing in the province of Ontario is under the aegis or ownership of the government—and I ask the minister if he would look at it from that point of view—it may be necessary to provide either that the Act as a whole binds the Crown or that an addition should be made to part III to make certain that any orders with respect to the matrimonial home that may be issued would apply to leasehold premises in Ontario Housing, for example.

I am certain that my colleagues may want to go on at some greater length here and in the committee on the question of the matrimonial home, but I would like to move on to the question of the mutual support obligations. I want to compliment the draftsman on the very succinct and accurate statement set

out in the principles of the support obligations in part II of the bill and particularly the provisions in sections 12, 13 and 14, which deal with the mutual obligations of support of spouses, the responsibility for support of children by parents, and for parents by children.

I suppose in our caucus, as in every other caucus, there's always some question of the extent and degree to which we should enshrine in law the kind of mutual support obligation between children and parents, mutual not so much as to time but to the relationship. I personally think that the support obligations are well stated and cover in a very accurate way the substance of those support arrangements.

I believe the minister would be well advised to eliminate from the bill, as one of the circumstances which a court may take into consideration in determining the extent and nature of the support obligation, a phrase in item (g) of section 15(3). That is the one which states that one of the circumstances the court may consider is "any course of conduct by the applicant tending to repudiate the relationship."

If one looks at this as an economic adjustment at a time of dissolution, it does seem to us to be inadvisable. You have carefully thrown out of the bill most questions of conduct and behaviour, only to bring it back in in this back door method in a long list of the circumstances which may be considered.

We think so for a couple of reasons. One is that if there is any likelihood of a reconciliation at some time, one of the certain ways that you can destroy that is in the court hearing to have mutual recriminations about the extent and degree of the conduct that may have destroyed the relationship. I'm not speaking about marriage infidelity, so much as about the great background of discontent that often exists in families. In a court hearing if you have questions of conduct by one of the persons, particularly the applicant, tending to repudiate the relationship, you open the door to the respondent in the application to raise questions with respect to conduct. This could cause a further, serious deterioration in what is probably already a significantly deteriorated arrangement.

On the other hand, so far as the future is concerned, when you get involved in these vexed questions of custody and access and right of access, one of the matters which always makes the exercise of the right of access even more difficult is if each of the parties at some hearing have been engaged in mutual recrimination about how they have

behaved during the course of that particular relationship.

I would suggest that if we are really talking about an economic readjustment of two persons who have been associated—indeed this also applies to the child-parent, parent-child relationship—then I think you would be well advised to delete the reference with respect to the course of conduct by the applicant tending to repudiate the relationship.

One of the major considerations of concern in our caucus was the introduction of the principle in this bill that a public agency on its own initiative could make an application to the court for the purpose of determining the support obligations as between two private citizens. I draw the minister's attention to section 15(2)—

Hon. Mr. McMurtry: Which section is that again?

Mr. Renwick: Section 15(2). It seems to us to go far beyond what should be in a bill which is entitled An Act to reform the Law respecting Property Rights and Support Obligations between Married Persons and in other Family Relationships.

Let me make a distinction. When public funds are being used under The Family Benefits Act or general welfare assistance or other such assistance provisions, I think it is essential that if an order is obtained by an applicant and the respondent to that order only intermittently fulfils his obligations thus leading to a series of show-cause motions, I think it is very wise that the provision be made that that order be assignable by the original applicant to the public agency—for example, to the Ministry of Community and Social Services—so that the beneficiary of the order, not being able to get the regular payments to which he or she may be entitled, can say, "I would rather take my regular payments from the ministry and let the ministry do the collecting."

I am not concerned about that. I think if we balance off the public interest in the public purse and the needs of the applicant to have a regular flow of income from the public agency, I think the public agency may very well by assignment take up that obligation to enforce the order and so relieve the applicant from being the one who must appear in the court for the purpose of the show-cause application.

I am concerned, however, that this bill says that the public agency on its own initiative can substitute—it doesn't say it in these words, but the effect is to substitute itself for the applicant in the application and go to the

court. Whatever the relative merits may be of the role of public agencies who provide public moneys for welfare or support purposes, whatever the arguments may be about the merits or otherwise of that system of dealing with economic travail in society, I think it has no place in this particular bill. I would urge the Attorney General (Mr. McMurtry) that he delete, or be prepared to consider deleting, the reference in section 15(2), which says:

"An application for an order for support may be made by the dependant or by any public agency having responsibility for the provision of support out of public money or by any person, institution or agency that has undertaken to provide support for the dependant."

Mr. Singer: You would far rather have the old parents sue the young child than have the two of them go through the trauma of the court action. Is that it?

Mr. Renwick: I think that perhaps my concern runs a little more deeply than that black-and-white example given by my colleague, the member for Wilson Heights (Mr. Singer). I think there's a much more fundamental matter under concern in the introduction of that provision in this particular bill, and I would assume that we would be able to explore some of those consequences when the bill is in committee.

If I may turn to one other aspect of the support obligations which bothers me very much, it is that the court is defined in the first part of the Act—that is, for the purposes of the Act as a whole—to include not only the Unified Family Court but the Supreme Court of Ontario and the county court. That definition is contained in section 1(b) of the bill.

Leaving aside for the moment the Unified Family Court, which will be somewhere down the road in the province, I thought that because the enforcement provisions available through the county court and the Supreme Court were far superior to the enforcement provisions available through the provincial court, family division, in the efficacy of the methods of enforcement, that any order obtained for support would have been filed in the particular court at which it was obtained and would be enforceable through that court. I am concerned to find that the order may be filed in the provincial court, family division, and I am not certain whether that means that that order cannot be enforced through the county court or through the Supreme Court. It may well be that if you get an

order in the county court or the Supreme Court, you can avail yourself of the enforcement machinery of those courts, and that all this is is the addition of the availability of the provincial court, family division, and the particular expertise which they may have to have an order of the Supreme Court or an order of the county court enforceable through the provincial court, family division.

[5:15]

I have had people express very serious concern to me about whether or not, after all of this study and all of this work this is going to assist the person who has the benefit of an order filed in the provincial court, family division, getting the enforcement of that order. That, of course, is mainly a question of the administration of justice, the capacity of the courts to enforce and the efficiency of the courts in the enforcement of those orders.

I want to say to the Attorney General that a number of people have said the principal problem of the enforcement of provincial court, family division, orders for support has been that they can't get them enforced. They can't get the process served by the police. They're subject to interminable delays in the provincial court, family division, and, in many cases, to many adjournments. All of us, I guess, have examples of situations which have made almost a travesty of the enforcement provisions available through the provincial court, family division.

I wanted to draw that to the Attorney General's attention because in committee I think we should have an opportunity to discuss whether or not the machinery is available for effective enforcement of those orders in such a way that we can avoid the multiplicity of srow-cause appearances which have been a characteristic of support proceedings in the provincial court, family division, as most of us who sit in this assembly are aware.

The last area which is of concern to me and to which I want to draw the attention of the House relates not so much to the question of what is or is not included in family assets—I think we will be talking about that in committee to make certain that it is an accurate description and that is as broadly framed as it should be to carry out the intent of the government. I think it is a useful concept, as I said earlier in these remarks.

My remarks now are not addressed toward that part of the assets and property division provisions of the bill but rather to the other assets which may have been acquired during the course of the marriage relationship by one of the spouses.

I refer particularly to section 7 of the bill which deals with applications of that nature, where there are applications to the court to raise questions about other property. I think I will concede that the situation which caused so much concern among the persons concerned with women's rights—the Murdoch case—is in substance covered to a very large extent in section 7 now. However, I do want to make two points and I think others of my colleagues with a greater sense of reality than I have can perhaps express it more clearly.

I am concerned that there is not some equivalent in section 7(2) to the provision which is in section 4(3) in the preceding Bill 75 which was discussed in this assembly. In other words, where other property—that is, property other than the family assets—is under consideration by a court under section 7, the court should have the ability to take into account the kind of statement of the relationship which is set out in section 4(3) in connection with family assets.

The purpose of this section is to recognize that inherent in the marital relationship there is mutual contribution by the spouses, whether financial or otherwise, to the family welfare entitling each spouse to an equal division of the family assets. I am leaving aside the question of what the division should be. All I am saying is that there should be some similar adapted language in section 7 of the bill to indicate that the non-income earning functions divided between one spouse and the other are mutual responsibilities and the extent to which one spouse carries on those non-income earning functions has contributed to the capacity of the other spouse to acquire a net income available after tax, maybe year after year, so that at a point in time where a dissolution comes up, we are not simply faced with a situation where the spouse in the traditional, conventional marriage in the province of Ontario, where the woman on the dissolution of the marriage finds herself in a position where, in the absence of a marriage contract, she can get one-half or an adjusted one-half of the family assets and she can get protection with respect to occupancy of the matrimonial home, should that still be necessary, but she cannot in any way get a participation in the net capital assets of that marriage, other than family assets, from the point of view of a property interest.

It does seem to me that if we are talking about the equal rights of men and women in that relationship, on the dissolution of the marriage there should at least be some dis-

cretion with respect to other property for a court to provide a participation in those assets beyond what is permitted in section 7 of the bill. I do not think that the wording of section 7(2) is broad enough or apt enough to cover the kind of situation which exists in the traditional, conventional marriage in Ontario.

Perhaps an example would help, but I think every one of us can think of specific examples where the breadwinner or the male income-earning spouse might very well end up with \$50,000 or \$60,000 worth, say, of government bonds or of some such tangible assets as that, accumulated during the marriage from the net income after tax available to him because of his income-earning ability. That has been invested and then the marriage breaks up. I say that there is nothing in this bill which would give the spouse, who has done the socially approved but non-income earning functions of the marriage, any participation in that pool of, say, \$50,000 worth of bonds.

I recognize quite clearly, of course, to the extent that a division of assets were to be made under this bill to the spouse, that in all likelihood that would cut down the support obligation, or the extent and degree of the support obligation imposed on the other spouse under the other part of the bill. But when you talk about it in terms of the individual dignity of the people concerned, the best economic adjustment may be to leave it open to the court to provide some participation by way of property interest in that net pool of assets which may be available in the marriage, apart from family assets.

Hon. Mr. McMurtry: What about section 4(2)(g)?

Mr. Renwick: Yes, I think that may be so, but when you have a section such as section 4, dealing specifically with the question of whether the division of family assets in equal shares would be inequitable, having regard to various circumstances, I think the minister would agree with me that the court's attention would be directed towards something called family assets. It would take a counsel of the skill only of the Attorney General (Mr. McMurtry) to be able to persuade the court that under section 4(2)(g) the wife was entitled, say, to \$25,000 of the \$50,000 worth of government bonds to which I referred in the example I gave.

I just wanted to point out that it is a matter of great concern to us as to whether the family asset arrangements and then the

arrangements set out in section 7 of the bill do in fact: (a) overrule the Murdoch case; (b) whether or not there shouldn't be the inclusion in section 7 of language similar to the saving clause of section 4(3) and whether we shouldn't perhaps even give consideration to enlarging the definition of family assets, not only in the delineation of the physical items which go to make up the definition of family assets but to indicate that a basic net amount of assets accumulated during the marriage should be treated as subject to equal division unless otherwise ordered by the court.

There are many ways of doing it. One way, of course, would be to provide an arbitrary figure and simply say that up to that number of dollars one spouse is entitled to half of that net amount. We do that, of course, in another bill which will be before us on the law of intestate succession.

We are arbitrary in the sense that we say if a person dies intestate, leaving a wife or a wife and children, the wife is entitled to the first \$75,000. That, on death, certainly usually encompasses significantly more than would fall within the definition of family assets unless, of course, a house property is included in it; but the general run of family assets.

My colleague, the member for Lakeshore (Mr. Lawlor), is unable to be with us today so I was unable to have the opportunity to hear what he would have said had he led off in this debate. I'm sure when he reads this he will correct me if I've said anything which runs counter to the views which he holds about this difficult and vexed topic.

Hon. Mr. McMurtry: The only difference is that some of it would have been in Latin.

Mr. Renwick: I do want to say that we've had a number of meetings in the caucus of interested members. We have talked with some of the members of the academic community who participated in the law reform work of both the Ontario Law Reform Commission and the federal Law Reform Commission in this area. We have tried to understand what the bill is saying and we recognize that there is a myriad of relationships between men and women and between children and parents. We think on balance that the bill is a pretty good mix of realistic concepts around which an equitable and fair family law can be developed by the courts.

There undoubtedly will be flaws in it and there are many other points which will be raised in committee, both for clarification purposes and perhaps for proposed amend-

ments. With those four, five or six points which I've raised we did feel that, as a caucus, we could give support subject to those qualifications and whatever explanations may be made to the bill on second reading.

Mr. Singer: Mr. Speaker, I am very pleased to be able to join in this debate. On behalf of my Liberal colleagues and myself, I say we will support this bill.

The bill has been talked about in this jurisdiction for a long period of time. There have been all sorts of studies and recommendations and opinions brought backwards and forwards from one and all. This is what has emerged and, by and large, it is our opinion that what is here before us is a reasonable amalgam of a number of ideas.

Certainly, when I think back to the recommendations put forward by the Law Reform Commission a few years ago and the complicated and almost completely impossible formula which they worked out, a mathematical calculation, whereby the assets of spouses could be divided in the event of death of one spouse or breakdown of a marriage, one recognized that that surely couldn't be the way in which this kind of relationship was going to be governed.

What has been attempted here is to set out certain basic principles and to leave the tough questions or the actual questions up to the decisions of the courts. By and large, that's not a bad compromise at all. There are going to be faults.

The legal profession is going to have to adapt itself but the legal profession, through the years, has always been very adaptable. The legal profession will get used to preparing antenuptial agreements, even though there are no precedents in this jurisdiction related to this statute because we have a new statute.

Mr. Stokes: I was going to say that is refreshing but now I am not going to say it.

[5:30]

Mr. Singer: The legal profession, I am sure, will figure out how to get about its business. I've given some personal consideration to this problem in recent weeks. It's not an easy contract to draft, but I'm in the process of trying to do one.

I suppose one of my strongest concerns at this moment is that this seems to be a sort of middle-class kind of legislation. It seems to be something that will allow people who are sufficiently sophisticated or sufficiently affluent to provide unusually for themselves,

whereas other people who may not be as aware of legal alternatives or perhaps not affluent enough or too frightened to seek them out are going to have to rely solely on the provisions of the statute and the good-heartedness of a judge or the sympathy of a judge in due course when the matter gets before him.

I don't know whether it's been considered carefully or not, but certainly it's something that I'm going to raise when we get into committee, namely, the usefulness of either the Attorney General's department or some public body providing a series of possible antenuptial agreements, with suggested clauses that might be available to remove some of the possible mystery from the availability of this kind of a plan, so that people can have some understanding of what an antenuptial agreement might say, to include the appropriate provisions as they apply to them, because no two cases are exactly the same, and how it can best be done. I think that's one very major consideration that should be looked into.

There are many, many concerns in the minds of the people of Ontario about this kind of legislation. I suppose we all join in in giving a vote of thanks to Mrs. Murdoch who provided the spark that brings this legislation before us in a form which, hopefully, is substantially going to resemble the final statute that Her Honour approves of in due course. Perhaps we should change the name and call it the Murdoch bill or the Mrs. Murdoch bill or something like that because I think jurisprudence in this country owes a substantial vote of thanks to her and the inability of the judges when they were trying to deal with her very serious problem of finding any authority in law.

The initiative of the lawmakers is being exhibited here. It's not a bad initiative, but let me read to you, sir, a portion of a letter received by us expressing some concern about provisions of this legislation. This lady says:

"First, the proposed legislation has several weaknesses from my point as a view as a feminist, but not a lawyer. The principle of recognizing the contribution to the economic well-being of the family by the spouses at home is vital for women in property law as well as in pensions and child-care legislation. The proposals outlined by the Attorney General (Mr. McMurtry) in his speech will give only a nod in that direction. The goal of the proposals is to give the narrowest possible definition to assets which may marginally improve the position of women in families where the family assets such as

houses, cars and other domestic properties are large."

This is a very good point and perhaps the answer is going to be that they can take care of it in an antenuptial agreement. I come back again to the problem, and this is what she goes on to say:

"It will do little for women where property is not large. It will not allow women to share in businesses which their husbands may establish. For example, doctors have a high divorce rate in the very early years of their practice. The wives of these doctors often contribute substantially to the education of their husbands through their jobs, answering the telephone at home for their husbands and in a myriad of other time-consuming ways. But considerable property may not have been built up. I don't think this legislation will recognize that contribution in principle or, in fact, inherited property; money invested in the husband's practice, for example, will not be touched. On this problem I offer no alternative except community of property during marriage, which has the advantage of educating both spouses in financial management and at least provide skills."

The argument about community property is quite a different one, and I am not sure that I subscribe to it at all; it doesn't take into consideration prior acquired or separately acquired property which has nothing to do with the marriage. That's a very serious consideration as to how that should be dealt with, and I don't think the glib phrase "community of property" is the answer.

"The proposal to include those living common law strikes at a different problem"—I know the Attorney General (Mr. McMurtry) spoke about this, but I don't know whether he has convinced his brother yet or not. We've seen the comments about the McMurtry brothers' split on lifestyle and marriage law, and while we have to listen to this one, we only know about what the other one says from what we read in the papers—

Hon. Mr. McMurtry: They are all trying to be of assistance.

Mr. Samis: In their own way.

Mr. Singer: Well, the Attorney General's brother seems to be concerned about the minister's interference with his right to do what he thinks he should be able to do.

Hon. Mr. McMurtry: It was suggested at some length.

Mr. Singer: I'm sure he is trying to be of assistance, but he doesn't think that the

Attorney General's method of assistance necessarily is the best one insofar as it affects him. That's about as fair as I can get if what I read in the papers has been correct. It is a concern, however, that many people have expressed and it's something that is going to have to be talked about.

It is also my understanding that this bill, together with the other two, is going to go to standing committee on justice and there will be an opportunity there for any members of the public who are concerned to come and tell the committee. I noticed an advertisement put in the paper by the hon. member for Lakeshore (Mr. Lawlor), the chairman of that committee, referred only to two of the bills, this one and Bill 85, I think. May I ask the minister if I am correct in assuming that all three bills will go to that committee?

Hon. Mr. McMurtry: Yes.

Mr. Singer: He only put two in the ad, but I am glad to hear the minister say all three.

Hon. Mr. McMurtry: I wasn't consulted about the ad. I thought it was interesting to read the ad before the second bill had passed second reading. That is the only observation I make. But that is the intention, Mr. Speaker.

Mr. Singer: That's good, because there are a lot of members of the public who are concerned. It was unusual the ad should have gone in before the House had made a determination of what was going to happen, but I think it will be quite useful that all three statutes are going to go to standing committee.

Let me continue with what this lady says:

"The proposal to include those living common-law strikes at a different problem—the freedom to associate without the property implications of marriage. If the Attorney General has in mind a number of women who are poor, have lived common-law and have been left without economic support because they were not married, then I suggest this is a matter for support and not property. Such families have no property anyway. For the middle class it puts the whole purpose of common-law arrangements in jeopardy—and they do offer an alternative for many independent women. Surely it is possible for a couple to write a contract concerning property if they want to protect themselves in a common-law arrangement—"

Hon. Mr. McMurtry: The common-law relationship that doesn't affect property. That is just another misconception.

Mr. Singer: I agree that these misconceptions do exist, and they exist in the mind of this very intelligent lady who was bothered to sit down and write us a letter and express her views reasonably well but perhaps not too correctly on occasion. This is the kind of misconception that we have got to try to overcome, and I don't know specifically how we overcome it except to give as much publicity as we can to all of the provisions of the Act and the full significance.

"The Attorney General's thinking on this is not developed in his speech." That's the point the member for Riverdale (Mr. Renwick) was making a little earlier, perhaps about the Attorney General's initial remarks. The minister's remarks today were much more informative, or much more to this particular point, than they were at the beginning, and it's not at all impossible that many people misconstrued what, in fact, he was saying.

Then she goes on to say: "Politically, I think it's disastrous and distasteful but"—and that is her view.

Those are some of the views that are expressed. I don't necessarily agree with that last statement, because otherwise I wouldn't have said that we are going to support the bill. The bill does make a substantial step forward. But I am concerned with a couple of the oddities in this bill.

We talk about the right to possession of the family home. The member for Riverdale talked about leaseholds and so on. I wonder about the provisions for maintenance of these. Suppose the only asset is the family home. It then has to be sold, because if the spouse remaining after the marriage is broken up is given right to possession, it becomes somewhat vacuous without the money to be able to support the building that you are allowed to possess. This is also true of leasehold. If the landlord doesn't get his rent you are going to get kicked out. So if you don't have enough money to pay for the running of the home, what use is that and what are the manoeuvres that are going to be able to take care of that?

I was interested in the comments of the member for Riverdale on section 15(2), when he expressed the concern of himself and his colleagues about giving the right to agencies to sue for support. I disagree with him very strongly on that point. I don't think the present situation is solved by saying it shouldn't be in the statute. Whatever the laws of Ontario are, it is useful to have them expressed in some statute. I don't think

anything is proven by saying "it shouldn't be in this statute, it should be in another one." It seems logical that it be here.

The present statutory provisions allow a parent to sue his or her children for support. In appropriate circumstances the court will make an order in accordance with the provisions of such a statute. But it doesn't happen very often, nor is it reasonable that it should happen. Parents who find themselves in that unfortunate position are most reluctant to initiate legal proceedings against their children for support. But if they don't and there is no money available, then the people of Ontario enter into some kind of support arrangements. That I think is as it should be too.

We have a variety of homes and institutions where older people unable to look after themselves, or support themselves, can be looked after. What is illogical or insensible or wrong about allowing that institution to initiate proceedings and bring to account the erring child who can afford to contribute to that support or perhaps fully support that parent? I think that's a very good thing. What other place can it best be ascertained? The personality of that kind of institution really doesn't come into any great emotional conflict. There they are supporting the parent and that's costing somebody money—the people of Ontario are paying for that—and that institution would be aware of the children and have some idea whether or not they had assets. I think it's a very good provision.

Perhaps I can tell a little story—something I discovered in my riding within the last few weeks. There has recently been erected there a place called Villa Columbo. Villa Columbo is a magnificent home built by members of the Italian community in Metropolitan Toronto to provide a place for older Italian people who are unable to have an appropriate place to live. It's a beautiful building, well staffed by pleasant people, bright, airy. One of the things that I thought was strange, and no one was complaining to me about it, is that it's not full. There are a great number of vacant beds.

[5:45]

I began to inquire about that and one of the gentlemen who is on the board of management of that organization said: "It is a feeling, a very strong feeling, throughout the Italian community that the first responsibility for looking after the old people devolves on the family. It is a sign of shame when a family has to admit or let it be known that it is unable to look after the parents and has

to allow them to go to a home." Notwithstanding the very large size of the Italian community here in Metropolitan Toronto, and notwithstanding the very pleasant and comfortable nature of this home, this place is half empty because that responsibility is being accepted by the families of people who might in fact be able to take up accommodation there and be looked after.

I think that's a very good expression of where some of that kind of responsibility should lie. It doesn't apply equally to other groups in our society; unfortunately, it doesn't at all. I have some knowledge; in fact, I am on the board of another home where older people are looked after. I know there is concern expressed among board members from time to time about the ability of children to look after their parents, or to pay for a share or a substantial part of their parents' welfare, who refuse to do that.

How do you get at them? Do you encourage the parent to bring a lawsuit against the child? It is a very difficult problem. I think what is put forward here in the statute makes good sense and is an expression of a sensible feeling by the community and of a sensible feeling by the Legislature. Rather than criticize, I commend the Attorney General (Mr. McMurtry) and those responsible for drafting this section for putting it in there. I think it belongs in this section.

There are a great number of problems with this kind of legislation. As I say, we are feeling our way. Each section is going to be worried about at great length, not only here but in the courts, unfortunately, in days to come. The extent to which they will be questioned, unfortunately, on occasion is going to depend on the financial ability of those who are going to want to question them and take them through the courts. But I think we have come fairly close to providing a solution to a problem that has beset us for many years.

We will be suggesting from time to time, changes in some of the wording here. We will be at the committee and listening very carefully to the views that people put forward. I don't know whether the Attorney General is going to invite his brother. Perhaps his brother will come and tell us some of the opinions he has and whether brother attorney has been able to satisfy all his doubts or not.

Ms. Sandeman: Mr. Speaker, I would have to say to begin with that I generally welcome this bill. It's very important to women to see that finally, what we have known all along—that marriage is a partnership of two equal people—is now to be enshrined in legislation,

and that marriage is recognized as an economic and a social partnership.

This of course doesn't begin to solve the continuing problems that women face in becoming equally able to contribute economically to their marriages. That's another problem which I imagine will go on for some time and which we will continue to work toward solving. But at least there is now a recognition that women are able in some cases—sadly, not yet in all—to contribute to the economic side of their marriage.

There is the other important principle, now recognized for the first time in a piece of legislation, that unpaid work within the home is as vital to the family unit and to society as paid work outside the home—the recognition that a spouse who contributes work of that kind, the traditional unpaid work of the household, is making a real and important contribution which allows the family to accumulate assets, to function smoothly, happily and healthily. The assets which are accumulated are the equal property of both spouses. Whether or not they have bought them with their own money, whether or not they have both gone out and worked for them, or whatever it may be, there is now an equal right to the family assets.

I must say that I welcome this family assets approach. I was extremely uneasy at the matrimonial property regime which was recommended by the Ontario Law Reform Commission. What was it called? The equalizing claim? It would, at best, have been an extremely cumbersome device and it would have required constant record keeping and constant assessment of the value of family property. At worst, I think it would have been chaotic and of course it would have provided a field day for accountants and for lawyers. The whole thing was horrendous. The principle behind it was admirable but the equalizing claim mechanism was something that made me quite nervous. I was pleased to see that the Attorney General's present legislation has abandoned that in favour of the family assets approach.

However, I think there are some very real problems with the family assets approach as presently embodied in the bill. The problems start in section 3 of the bill where the principle is delineated and terms are defined. Family assets are defined as property owned by one spouse or both spouses and ordinarily used or enjoyed by both spouses, or one or more of their children. The problem I see with that is that I can envisage that leading straight back to the situation in which, if you have a wage-earning spouse and a non-

wage-earning spouse, the wage earner could busily amass assets, such as registered retirement savings plans, stocks and bonds, esoteric artwork, antique guns, hand-embroidered pictures, Ming dishes or whatever it might be. These might be objects in which the other spouse has absolutely no interest, would never use and which therefore would not under this legislation be considered to be family assets and in whose value therefore the other spouse has no automatic share, even if, to get back to the principle which I hope and believe is embodied in the bill, the labours of the non-wage-earning spouse have made it possible for the wage-earning spouse to go out and buy and amass those things.

It seems to be a contradiction in how the principle is put into action. If we believe that the contribution of the non-wage-earning spouse is important, then it's surely important to include all the objects or pieces of paper or whatever which have value and which are brought into the home. In fact, the thing that scares me about this at the moment is that individuals, particularly wealthy individuals would quite easily be able to circumvent what is surely the intention of this bill and which is very clearly stated in section 4(3). The purpose of this section, the bill says, "is to recognize that inherent in the marital relationship there is mutual contribution by the spouses, whether financial or otherwise, to the family welfare, entitling each spouse to an equal division of the family assets upon termination of the marriage."

I am afraid we will be back where we started from, to the old out-moded, "I bought it with my money, I use it, therefore it's mine" concept. There's a kind of circularity creeping in there because the principle of the bill recognizes the mutual contributions by the spouses, whether financial or otherwise, to the family welfare. Then the bill says, if the non-financial contribution has led the wage earner to amass things which the bill does not clearly identify as family assets, then her contribution has gone for nought. I say "her" advisedly because at the moment it still normally is women who are the non-wage-earners. I know you pointed out to my colleague a section which would give the judge discretion to take that kind of thing into account.

Hon. Mr. McMurtry: You should have mentioned (e) as well.

Ms. Sandeman: I should have mentioned (e) as well as (g); wait a moment—(e) of which section?

Hon. Mr. McMurtry: Section 4(2)(e).

Ms. Sandeman: Section 4(2)(e)—"any other circumstances relating to the acquisition"; yes, maybe. Again, as my learned colleague says, it's going to depend on the fancy footwork of the lawyers to make a judge understand that the principle of the bill on family assets should be extended. What I'm saying, I guess, is the definition of family assets is too narrow and, in some sense, is in danger of seriously weakening the principle of the bill.

My colleague from Riverdale (Mr. Renwick) explained our concern with—section 7(2) I believe it is. The concern, generally is that the bill does not clearly speak to a full and fair division of assets which are not counted as family assets. I remember the great shock of realization that happened right across the country when the Murdoch case made women particularly understand what the present laws meant to them; particularly when that Supreme Court judge stood up and said that Mrs. Murdoch's contribution to the family farm was only what a good farm wife should do and that, therefore, she should have no particular claim on a share of the farm.

We all realized more clearly than we'd realized before what could happen to hard-working women who, in good faith, had contributed and we were pleased to see Bill 75 passed in July of this year. I think we all expected what I suppose we think of as the anti-Murdoch clause of Bill 75 to have been maintained in this bill. I notice that it's not.

The essential clause of Bill 75, I guess, is section 1(2)(c), which says that the husband or wife shall not be disentitled to any right or compensation or other interest flowing from such contributions by reason only of the relationship of husband and wife or that the acts constituting the contribution are those of a reasonable spouse of that sex in the circumstances.

When Bill 75 was passed it specifically prevented a Murdoch happening in Ontario. I hope that by amending the bill we're going to be able to bring that essential clause back in—because it is an extremely essential clause—unless the minister can show me that it's already there and I've missed in its transmutation—that's a good word. Murdoch will still happen.

Hon. Mr. McMurtry: Look at 7(2).

Ms. Sandeman: Section 7(2) of the present bill does not include the provision of sec-

tion 1, subsection 2, subsubsection (c) of Bill 75. I think it really has to or we could have another Supreme Court judge telling women, "Well, my dear, that's what we expect of women. You needn't expect any special reward for that." She accepts her pat on the head and goes home.

Mr. Speaker: Will the hon. member have further remarks to make? Perhaps this might be an opportune time to break them.

Ms. Sandeman: Yes, thank you, Mr. Speaker.

The House recessed at 6 p.m.

CONTENTS

Thursday, November 18, 1976

Point of privilege re tabling correspondence from constituents, Mr. Moffatt.....	4761
Great Lakes meeting, statement by Mr. Kerr.....	4761
Driver licence classification, statement by Mr. Snow.....	4761
Bank Act revisions, statement by Mr. McKeough.....	4762
Municipal nomination papers, statement by Mr. McKeough.....	4763
Bilingual drivers' licences, questions of Mr. Snow: Mr. Lewis, Mr. Roy, Mr. Cassidy....	4763
Employment on Indian reserves, questions of Mr. Brunelle, Mr. Davis and Mr. Irvine: Mr. Lewis	4764
Rent increases, questions of Mr. Handleman: Mr. Lewis, Mr. Deans, Mr. Cassidy, Mrs. Campbell	4765
Cancer and asbestos, questions of B. Stephenson: Mr. Lewis.....	4766
Lack of court facilities, questions of Mr. Davis: Mr. S. Smith, Mr. Roy, Ms. Gigantes	4767
Nuclear refinery site, questions of Mr. Irvine and Mr. Davis: Mr. S. Smith, Mr. Moffatt, Mr. Foulds	4768
Viking Homes, questions of Mr. Taylor: Mr. S. Smith.....	4771
Guidelines for judges, questions of Mr. MacBeth: Ms. Gigantes.....	4772
Appointments to police commissions, questions of Mr. MacBeth: Mr. Conway.....	4772
Miami-Carey workers, questions of B. Stephenson: Mr. Philip	4772
Psychological assessments, question of Mr. F. S. Miller: Mrs. Campbell.....	4773
Solicitor-client communications, questions of Mr. MacBeth: Mr. Roy.....	4773
Point of order re order of authorization, Mr. Roy.....	4774
Mr. Roy escorted from chamber by Sergeant at Arms.....	4775
Points of order re naming of Mr. Roy, Mr. Lewis, Mr. Breithaupt, Mr. Singer, Mr. Sargent	4775
Points of privilege re reference to Criminal Code: Mr. MacBeth, Mr. Lewis, Mr. S. Smith	4776
Report, standing public accounts committee, Mr. Germa.....	4778
Report, standing administration of justice committee, Mr. Lawlor.....	4778
Point of order, re statement on public health nurses, Mr. Deans.....	4778
Construction Safety Amendment Act, Mr. di Santo, first reading.....	4778
Employees' Health and Safety Act, B. Stephenson, second reading.....	4778
Family Law Reform Act, Mr. McMurtry, on second reading.....	4792
Recess	4805

SPEAKERS IN THIS ISSUE

Bain, R. (Timiskaming NDP)
 Breithaupt, J. R. (Kitchener L)
 Brunelle, Hon. R.; Minister without Portfolio and Chairman of Cabinet (Cochrane North PC)
 Campbell, M. (St. George L)
 Cassidy, M. (Ottawa Centre NDP)
 Conway, S. (Renfrew North L)
 Davis, Hon. W. G.; Premier (Brampton PC)
 Deans, I. (Wentworth NDP)
 di Santo, O. (Downsview NDP)
 Eakins, J. (Victoria-Haliburton L)
 Gigantes, E. (Carleton East NDP)
 Good, E. R. (Waterloo North L)
 Grande, A. (Oakwood NDP)
 Handleman, Hon. S. B.; Minister of Consumer and Commercial Relations (Carleton PC)
 Irvine, Hon. D. R.; Provincial Secretary for Resources Development (Carleton-Grenville PC)
 Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
 Kerrio, V. (Niagara Falls L)
 Lane, J. (Algoma-Manitoulin PC)
 Laughren, F. (Nickel Belt NDP)
 Lewis, S.; Leader of the Opposition (Scarborough West NDP)
 Lupusella, A. (Dovercourt NDP)
 MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General (Humber PC)
 MacDonald, D. C. (York South NDP)
 Mackenzie, R. (Hamilton East NDP)
 Mancini, R. (Essex South L)
 McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental Affairs
 (Chatham-Kent PC)
 McMurtry, Hon. R.; Attorney General (Eglinton PC)
 Miller, Hon. F. S.; Minister of Health (Muskoka PC)
 Miller, G. I. (Haldimand-Norfolk L)
 Moffatt, D. (Durham East NDP)
 Newman, B. (Windsor-Walkerville L)
 Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
 Peterson, D. (London Centre L)
 Philip, E. (Etobicoke NDP)
 Reid, T. P. (Rainy River L)
 Renwick, J. A. (Riverdale NDP)
 Rowe, Hon. R. D.; Speaker (Northumberland PC)
 Roy, A. J. (Ottawa East L)
 Ruston, R. F. (Essex North L)
 Samis, G. (Cornwall NDP)
 Sandeman, G. (Peterborough NDP)
 Sargent, E. (Grey-Bruce L)
 Singer, V. M. (Wilson Heights L)
 Smith, G. E.; Acting Speaker (Simcoe East PC),
 Smith, R. S. (Nipissing L)
 Smith, S. (Hamilton West L)
 Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)

Stephenson, Hon. B.; Minister of Labour (York Mills PC)

Stokes, J. E.; Deputy Speaker (Lake Nipigon NDP)

Taylor, Hon. J. A. ; Minister of Community and Social Services (Prince Edward-Lennox PC)

Welch, Hon. R.; Minister of Culture and Recreation (Brock PC)

Wildman, B. (Algoma NDP)

Ziemba, E. (High Park-Swansea NDP)



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Evening Session

Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

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CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. (Phone 965-2159)

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LEGISLATURE OF ONTARIO

THURSDAY, NOVEMBER 18, 1976

The House resumed at 8:30 p.m.

FAMILY LAW REFORM ACT (continued)

Resumption of the adjourned debate on second reading of Bill 140, An Act to reform the Law respecting Property Rights and Support Obligations between Married Persons and in other Family Relationships.

Mr. Speaker: When we rose at 6 o'clock, I believe the hon. member for Peterborough (Ms. Sandeman) was in the midst of her remarks. She may continue.

Mrs. Campbell: In a vacuum we proceed.

Ms. Sandeman: Are we to expect the return of the Attorney General (Mr. McMurtry) or his parliamentary assistant?

Mrs. Campbell: Neither one of them is here.

Mr. Reid: It is pretty thin over there, except for the member for Parry Sound (Mr. Maeck).

Interjections.

Mr. Swart: Pretty indifferent.

Mr. Speaker: I'm sure the hon. minister will be along in a moment and, if he misses something here, undoubtedly he will pick it up in Hansard.

Ms. Sandeman: Yes, I'm sure he will; every last deathless word he'll pick up in Hansard.

I'd like to look for a moment at the support sections of this bill. Again, a very important principle is being enunciated here. I think it's true to say that women welcome the recognition of our abilities and our rights in support obligations. I'm happy to see the archaic provision that only husbands were required to support their wives is now dead and that women are looked upon as human beings who are capable of both supporting and being supported, according to needs and ability.

Mr. Kerrio: We always looked at them that way.

Ms. Sandeman: The basic equality in the marriage relationship which existed under the old law, in which only husbands had to provide, has now gone. We find ourselves welcoming a good socialist principle in section 12 of the bill which says: "Every spouse has an obligation to provide support for himself or herself and for the other spouse, in accordance with need, to the extent that he or she is capable of doing so."

But I think there's a confusion in the support sections of this bill. I believe also, as my colleague from Riverdale (Mr. Renwick) suggested, that there is an intrusion into the support sections of matters which are not really relevant to this bill. I believe there are two complementary systems of support operative in our society. One is the system, the network or whatever you want to call it of private support obligations between husband and wife, parent and child, child and parent, which operates in most families.

Mr. Deans: Mr. Speaker, on a point of order, I think it unfair that a member should be required to speak on an important bill without the presence of the minister or the parliamentary assistant. I was quite prepared to agree to have the parliamentary assistant sit in in the minister's absence. Unfortunately, we were unable to come to an understanding with regard to that. The business of the House really cannot go on properly without the minister involved in legislation of this importance. I would ask that you agree to a 10-minute recess, at which time we will reassess it.

Interjections.

Mr. Breithaupt: Mr. Speaker, speaking to the point of order, before the House leader for the opposition arrived, the comment had been made just before the opening at 8 o'clock, and it was my understanding, that one or the other of those two worthy gentlemen would be present so that we might continue. While it is correct that the Attorney General can obviously read Hansard, as can all of us, still it was my understanding also that we would have the advantage of having the Attorney General present. Because of a dinner at which he was the guest speaker, the House did not begin this evening until 8:30

in order to convenience him. That of itself, I would have thought, was a reasonable thing to do in the circumstance of a long-standing speaking engagement, particularly because of these bills happening to come forward at that time. To have not one member of the executive council present seems to be—

Mr. Kerrio: There's one.

Interjections.

Mr. Breithaupt: The Minister of Education (Mr. Wells) is present and that is indeed worthwhile—

Mr. Reid: But not on this bill.

Hon. Mr. Wells: It is always worthwhile.

Mr. Breithaupt: —but not necessarily on this bill. I would think it does seem to be, in the presence of a debate of this landmark legislation, according to the Attorney General, rather curious that we cannot have his presence, with the other considerations having been granted.

Mr. Speaker: I recognize the difficulty and, if the House is in agreement, I would consider a 10-minute adjournment. We'll ring the bells in five or six minutes and, if there is nobody here to meet those objections at that time, then I would entertain a motion to adjourn the debate.

The House recessed for 10 minutes.

[8:45]

On resumption:

Mr. Speaker: Now the member for Peterborough may continue.

Ms. Sandeman: As a matter of fact, Mr. Speaker, I don't think I'll continue. I'd hate the Attorney General (Mr. McMurtry) to miss one single word, so I'm going to start over. Don't despair—I'd only been going on for about two and three-quarter minutes. Welcome back, Mr. Minister, we hope you had a good dinner.

Hon. Mr. McMurtry: A lot of your colleagues were there, and they are still eating the dinner.

Ms. Sandeman: Oh, I admire your self-sacrifice to come back here. Oh, well—

Mr. Reid: You can afford to miss the odd meal—me, too.

Ms. Sandeman: I'd like to turn my attention to the support obligation section of this bill. Once again I'd like to begin by welcoming the fact that a very important prin-

ciple is recognized in this part of the bill. Women, I think particularly, welcome the recognition of our abilities and our rights, which are recognized when we remove the archaic provision that only husbands are required to support their wives while somehow women sit decoratively at home accepting the support.

I know a great many men are relieved to see that archaic provision removed, and the suggestion of basic inequality in the marriage relationship which it carried along with it. I think very few people would now subscribe to that old picture of the marriage relationship, in which one partner was the supporter and one was the supportee and everybody knew everybody's place in the world.

I welcome this section 12 of the bill particularly, because it seems to me to be modeled on very sound socialist principles—from each according to his or her ability; to each according to his or her need. Section 12 of the bill spells out for us that every spouse has an obligation to provide support for himself or herself and for the other spouse in accordance with need to the extent that he or she is capable of doing so.

Mr. Conway: Heady stuff.

Mr. Kerrio: The evening was over before the socialists showed up.

Ms. Sandeman: I think there is some confusion in this bill around the support obligation. I believe, as my colleague from Riverdale (Mr. Renwick) suggested earlier, that there is an intrusion into the bill of matters which are not really relevant to it. I'll try to explain why I believe that.

It seems to me there are basically two complementary support systems operative in our society, which this bill attempts to address itself to. The first and most basic is the support system that operates within families that are surviving—where husbands, wives, children, grandparents, great aunts and so on are supporting each other and living in a reasonable family situation.

We have the private family support system which this bill speaks of, and we also have our obligations as a society to support those members of society who, for some reason, cannot support themselves—whether because they are sick or aged, or very young, or disabled, or whatever it may be—and those members of society whose family support systems have broken down. They are people whom we are obliged, and happily obliged, to support.

It seems to me that the sections of the bill which introduce that second concept, about society's obligation to support its own members, and then try to relate it to the first concept, the family support network, are curiously one-sided. It is made quite clear in section 15(1) that an application may be made to the court by the dependants or public agencies for support by individuals. But the bill does not spell out the fact that individuals in need have a claim on public agencies and could in fact make application to the court for pension support, for old-age pensions, for support for sick persons, or for whatever it may be, from the agencies of the state.

The minister I am sure will say to me, "Those matters have no place in this bill." I think I would agree with him, but I am nevertheless uneasy at the intrusion into the bill at section 15(2) of matters which I think are more properly the business of the Ministry of Community and Social Services, the Department of Veterans Affairs, or whatever it may be. We are in fact stressing in the bill the right of the public agency to go after the individual for support, but we do not see spelled out in the bill the right of the individual to apply to the society for support.

There is a strange one-sidedness there, and I think the one-sidedness is open to some dangerous aspects, too, in that section 15(2) could really be very much abused when put into practice. I would suggest to you, for instance, that the picture of welfare agencies suing husbands or deserted wives as a matter of form, at large expense to the public without much gain, is a pretty depressing picture. We already see the enormous costs in court time and money which we go through to sue husbands of deserted wives, who normally don't have enough money to support two independent households. The whole operation is unproductive as far as helping either the community or the deserted wife. I am afraid that section 15(2) may lead to an enormous amount of harassment and unnecessary orders for support being asked for by public agencies.

I think, as my colleague suggested earlier, that at the committee stage we shall want to look very carefully at section 15(3)(g), which brings the whole knotty, insoluble, unhappy problem of blame for the breakup of a marriage back into the question of determining support. I think when you are determining support, all the other reasons which can be placed before the court are reasonable, they are objective, they can be assessed by the court in an objective manner. But the min-

ute you try to assess conduct, you are back into the bitterness, the subjectivity, the completely unscientific kind of reasons which people try to impute to each other as to why they should or should not get support. I hope we will be able to persuade you to remove that section during the time for amendments.

I have just got some brief comments about the section on the marriage contract. I am reminded of an anecdote which I believe my colleague from Lakeshore (Mr. Lawlor) was going to share with you but unfortunately he is unable to be with us tonight. He was reminding us that when George Bernard Shaw and Mrs. Campbell were engaged in a very fruitful relationship—

Mr. Grossman: Which Mrs. Campbell?

Ms. Sandeman: I'm sorry to drag out her private life like this. Actually it was Mrs. Patrick Campbell. When they were engaged in a relationship of great wit and liveliness, they began to draw up a contract which would govern the terms of their relationship. Mrs. Campbell came back to George Bernard Shaw day after day with new clauses which she wanted incorporated into the contract. Finally, after several weeks of this, George Bernard Shaw threw up his hands and said: "All right. I give in. I'll marry you!" Which perhaps is indicative of what happens when you get too mired down in a contract.

Mr. Reid: Better watch for that trick.

Mr. Gaunt: That's the way it's done all right.

Mr. Kerrio: That happens to all of us.

Ms. Sandeman: The principle of the marriage contract is an excellent one; it suggests the ability of people who are planning to get married to come to rational decisions about how they wish their relationship to continue. Sometimes, of course, the problem is that these decisions are not made with great wisdom.

I would like to be sure that somewhere in the bill we ensure that people who are planning to get married, and to use the terms of a marriage contract, have an independent lawyer for each party. I can see a young couple in the first blush of emotion going to a shared lawyer; they're in love, they're going to share everything, so they share the lawyer—and there are certain obvious dangers in that.

Mr. Conway: Tell me more.

Mr. Reid: I'm all ears.

Ms. Sandeman: Ask your legal friends how you share a lawyer.

Interjections.

Ms. Sandeman: I believe that each member of the couple should have a separate lawyer to look after his or her interests in these contracts.

Interjections.

Ms. Sandeman: I have some reservations about the sections that deal with the ability of the court to call the contract into question, section 46(2), which provides that "where the provision for support in a marriage contract, or the waiver of the right to support, results in circumstances in which the spouse qualifies for an allowance for support out of public money, the court may proceed under part II notwithstanding the waiver or agreement."

Maybe I'm wrong, but that seems to say to me that only if the wife finds herself on welfare or the husband finds himself on welfare, may the court look behind the provisions of the contract. I can envisage situations in which a spouse is left in extremely straitened and unfair circumstances, given all the terms of the contract, but because they don't have to end up in municipal or provincial welfare offices, the court doesn't have the right to proceed under part II. Maybe I am wrong about that; there may be something hidden in another section which prevents that. No?

Hon. Mr. McMurtry: You're right.

Mr. Cassidy: She usually is—one of our great strengths.

[9:00]

Ms. Sandeman: One of the things that has concerned me about the way family courts and the family benefits system operate at the moment in relation to marriage breakdown, is that if a woman goes to the family benefits office and makes application for family benefits, as the rules of Community and Social Services stand at the moment, she may not qualify for support under family benefits, unless she can prove that she is deserted. If she has entered into a separation agreement in good faith because she thought that would be sensible, sensitive and a way to operate without too much bitterness in the marriage breakdown, she may not in fact qualify for family benefits.

My question is, if a husband and wife have entered into a marriage contract which provides for her under possible breakdown

of marriage circumstances and provides for the kind of support on which she cannot possibly live, will the family court and will the family benefits people say to her: "You have entered into a contract, into an agreement with this man in which he has said he will pay you some money; the fact that you cannot live on it is neither here nor there; under our law and under the rules we cannot say that you are deserted"?

In other words, are women who enter in good faith into a marriage contract going to find themselves in exactly the same box in which women who have separated with a separation agreement now find themselves when they hassle with Community and Social Services? That's a very serious question, because a lot of women are getting caught by that now and many more possibly could if these marriage contract provisions are not seriously considered in conjunction with the Ministry of Community and Social Services. I hope they have been. I hope the Ministry of Community and Social Services is working every step of the way with the minister on these support regulations.

An hon. member: Are they?

Ms. Sandeman: I'm sure he's going to tell us in a moment. Unlike my colleague from Riverdale (Mr. Renwick), who has a legal mind and therefore works from the back of the bill to the beginning, I've tried to work in a—

Mr. Breithaupt: Both ways from the centre is more like it.

Ms. Sandeman: —sporadic kind of way from the front of the bill to the end. When I reached the point at which he started, which is section 49 of the bill, I recognized that that is, as my colleague said, the principle that is at the heart of this bill. Now we have a piece of legislation that assures us that for all the purposes of the law of Ontario a married man has a legal personality that is independent, separate and distinct from that of his wife, and a married woman has a legal personality that is independent, separate and distinct from that of her husband.

(That is a principle that I welcome. But I look forward to the chance to discuss at the committee stage of this bill the reservations I've expressed about specific sections of this bill, and others that my colleagues will be drawing to the minister's attention. I think it's very important to ensure that the principle and intent of this bill are not weakened or vitiated by individual parts of the bill

which, as I've suggested in some places, go very far toward almost denying the principles that the bill sets out to enshrine.

Mrs. Campbell: Mr. Speaker, I, too, would like to express to the Attorney General (Mr. McMurtry) my commendation on this bill. The principle is one which will appeal, in my opinion, to all thinking people in this province. Certainly it is being welcomed with some exceptions, which are always inevitable, by the women of this province.

As with some of those who've spoken before, I have some concerns. I would like to deal with this matter of the right of the agency to intervene. I understand the thinking which says, for example, that this is a family law bill and therefore should not have the intrusion of the public agencies. But I do not accept the position which has been taken by the official opposition to date, and I would like to explain why.

The last speaker addressed herself to the present situation where the function of the court in this particular area is really within The Deserted Wives' and Children's Maintenance Act, an Act which I am pleased to note is to be repealed in this legislation. But let me say to you, Mr. Speaker, and to the Attorney General, I think it is important that it should be spelled out that the agency may proceed.

Under the present law, the agency has been, in effect, a back-door operation forcing the woman into the court under the threat of being cut off welfare. Many times, because of their lack of knowledge of the law, they have cluttered up the courts with cases which had no right to be there. Under existing legislation, there was no desertion, for example; but they forced the wife to go through this process.

Quite candidly I would much prefer, and I think anyone working in the courts today would much prefer, to see these agencies taking responsibility for ensuring that their cases are properly prepared and that the spouse not become the litigant but rather the witness to the particular situation. I don't know how many times judges have taken the time of the courts to try to explain to a spouse that the wife did not come of her own volition—because there is always the chance that that marriage may not go completely on the rocks. But there's nothing more readily available to do that than to have a woman pushed, at this point, into laying criminal charges.

So I am of the opinion that, sad as it is, the Attorney General was perfectly correct

in making this provision—so that we could hopefully protect if not the marriage or the relationship, at least not have two warring spouses with the children the guided missiles between them. I think it would be effective in this case.

I have a concern which I suppose again grows out of experience with what happens when this Legislature undertakes amendments. The Legislature some time ago raised the age for support for children to 18—and I've forgotten the terminology—provided these children were in a regular institution of learning or something to that effect. It put the courts into quite an embarrassing position to try to work out what type of orders could be made. At that time it was decided that, notwithstanding the legislation, what we would do would be in effect to make the orders available to the age of 18 and then accord to the father the opportunity to come forward to prove that the child was really no longer a dependent and that in effect he should be discharged of his responsibilities. One of the things that no one seems to think about is that these orders most appropriately are made for a period of time. The child before the court may be nine years of age, and it is appropriate that the order states the time of the operation of the order.

Now that this proposes to reduce the age, again to 16, I have great concern. It would seem to me the operation of these sections would indicate that the young person must come forward and seek support, if in fact there is reason for that support beyond the age of 16. The order, as I see it here, would not be made for any support beyond the age of 16. I think it is a flaw. I think it's a flaw which should be corrected.

Let the support be until 18 and then let those who quarrel with it come forward to have an amendment to the order. It seems to me that that has greater equity. Of course, the clause itself bothers me in that the wording doesn't satisfy me that the fact that a child is continuing an education is really covered by the blanket clause "or other cause to withdraw from the charge of his or her parents" and so on.

I would urge the Attorney General (Mr. McMurtry) to give consideration to this. It seems to me that it is a time for us to have some consistency in our age arrangements in the province and surely judges should be able to make the orders to the age of 18 with the right, as I say, to these parents to come forward and deduce evidence as to why the support should not continue beyond the age of 16.

I also—and I have given full notice to the parliamentary assistant to the Attorney General—want to ensure that when we deal with the obligation of a child to support a parent we now are clear that the statute means what it appears to mean, and no child of the age of nine can be required to support a parent as has been done in this province in the past. Of course, the Attorney General is aware of the fact that I'm still singing that note of concern for a child who has an award in the courts.

I want clearly in this bill a statement that an award to a child for damages must be the child's and that it cannot be withdrawn for the purposes of the support of the family. I would also want it clearly indicated that even at the age of 18, when that award would presumably in most circumstances be paid over to the child, that again that money could not be used as support obligations to what amounts to the family. It seems to me if a child has been damaged and if a court has found it has been damaged to that extent, that award belongs to the child and to nobody else. I too have some concerns about the definitions about this. I believe that that will be amply covered when we come to the consideration of the amendments.

[9:15]

I would like to say that I suppose to me it is one of the great things that I am standing here at this point in time and enjoying the fact that we are eliminating dowers, presumably for once and for all. The right of dower has held women back in this province for years. When we, as members of the Women's Law Association, tried to impress upon women that this was a snare and a delusion, they wouldn't believe us. They firmly knew they were entitled to one third of the value of all their husband's real estate, and what kind of idiots did we think they were that we would expect them to give up this right. They were so happy in this belief that they saw no reason to change the law. I must confess there were very few male lawyers that I knew who encouraged them to do anything else but rely on their dower rights. I am delighted that those rights have gone. I note that the courtesy rights—I must have missed that particular bill—the courtesy rights, I take it, have now been eliminated in another piece of legislation.

I hope the Attorney General, either in his response to this particular debate or at some point, will explain to us more fully what sort of undertakings he has had from the federal government with reference to the operation of this bill. One of the immediate questions

which does come up is the matter of income tax. One of the sections which I rather welcome, which is the garnishment section, gives me some concern, and it came up last night in a discussion. Will the federal government permit garnishment of its civil servants and will the provincial government permit garnishment for the purposes of this bill?

It could be rather an empty sort of provision, if we haven't some kind of an agreement. I also would like the Attorney General, if he would, to touch on the question of reciprocity. I am sure the Attorney General has not had the opportunity for any discussion on reciprocal arrangements, except possibly within those provinces of Canada which are within the reciprocity arrangements. But I wonder how this Act functions and whether we will have the same types of reciprocity with, say, New York, Texas, various states of the Union, Great Britain and the rest. I think it should be clarified if it is possible to do so.

I am disappointed that we have maintained as a part of the bill the matter of jail. I recognize there are those who believe that the concept of court and the ensuing sentence are somehow deterrent. I have the same dichotomy about that as I have in the capital punishment situation. I didn't see it as a great deterrent. In fact, if you were professional it seemed to be welcomed, particularly as of course the professional organizations did not view a jail sentence as conduct unbecoming a professional person.

I'm wondering if it is really necessary to place it in this kind of legislation, when there is general provision for a contempt of court and I rather dislike seeing that kind of provision in a family law bill. It has been a real bone of contention in the past and I really would hope that the general revisions of contempt might cover it; I may be wrong in that, but I don't like to see it retained in this particular bill.

I would urge that there be some provision, as my colleague suggested, for some type of draft agreement that could be used by those who are not, as my colleague suggested, quite as sophisticated as others, so that all of the people of this province could have the advantage of the marriage agreement. It may be just a semantic in so many cases. We have already referred to the fact that this doesn't do an awful lot for those who have no property and I'm not at all sure that we're going much further in trying to be able to enforce support orders.

I have a concern for this type of situation where a wife will work to provide the funds for the education of the husband and when

he's educated he finds that she is somehow not a desirable partner and he moves off into another situation. They haven't established a marital home where there is any degree of ownership; there's an apartment involved. He takes off. He has his profession and his professional accounts and I just wonder where a woman in that situation is protected.

We've seen the specific letter with reference to doctors and early divorces. I don't see that there is ample provision to cover the situation of that kind where the husband undoubtedly couldn't have acquired what he's acquired without the sacrifice of the wife.

I am delighted and I again compliment the Attorney General (Mr. McMurtry) on the proposal of the unified court. I recognize the jurisdictional problem. I could hope, as he would hope, that we could finally have one court which deals with all these factors, and I trust that before long that will come about. But at least there is a great step forward here and I am looking forward to getting reports from the Hamilton project as soon as they may be reasonably available, because it does interest me tremendously.

I think that almost anything else that I would say would be simply reiterating much of that which has gone before. I shall look forward to hearing the submissions from those who will be coming forward and participating in the amendments which I think even the Attorney General might agree would be useful after the submissions have been heard.

Mr. Deputy Speaker: The hon. member for Windsor-Sandwich.

Mr. Bounsall: Thank you, Mr. Speaker. I can at least say that much correctly, eh?

When we got a note from the Attorney General in October inviting us all to comment on the fact he was going to be introducing legislation in the family law area and inviting us to make our comments to him, I was quite tempted simply to dash off a very short note saying simply that my comments were clearly outlined in the private member's bill I brought forward in April 1975, which was debated in April 1975, and was based upon the Ontario Law Reform Commission recommendations. I thought maybe I would expand upon a few of the points, but time pressures and other work were such that I never did end up sending that letter. Although I doubt it would have made any change to the legislation brought before us, I do regret that I didn't send that short note.

In looking at this bill, I find myself very disappointed with the family property section of this bill. All those who have contacted me over the years—mainly women—about the problems which arise upon the dissolution of their marriage and the problems brought about often by desertion—when they read in the press that we are having a bill which basically reforms family law, they phone me with some enthusiasm. I find myself in a position of saying to them “this bill, as it relates to family property, really isn't a step forward.”

The principle of this section of the bill is quite nicely and neatly stated in section 4(3) and that is one in principle we can support. It states the purpose as being to recognize that inherent in the marital relationship there is mutual contribution by the spouses, whether financial or otherwise, to the family welfare entitling each spouse to equal division of the family assets upon termination of the marriage, etc.

But the rabbit goes into the hat because the bill defines family assets in a way that continues to ensure that justice is not served properly. The definition of “family assets” is so inadequate and so narrow that justice isn't achieved here. I could agree with the section indicating the purpose as it is stated, until it mentions the family assets as defined by the Attorney General. It is very similar to the private member's bill which I brought in. I said it in slightly different form—that any marriage is a partnership and all the assets contributed to that marriage by both spouses—whether or not one has only performed the social part of that marriage and has not brought any financial income into that marriage—should be divided equally.

[9:30]

All assets means everything that is acquired since marriage, and appreciation of all assets held singly before marriage; everything is simply divided down the middle and it is said to be all assets. One doesn't leave great loopholes in assets, as this bill does; because moneys in registered retirement savings plans and in stocks and bonds, and particularly the business assets of perhaps one spouse only, will not go into that reckoning.

The Attorney General says clauses (e) and (g) of section 4(2) take that into account. They do not take that into account, I would suggest, because section 4(2) says that if the judge finds that division to be inequitable, he may look at the other circumstances under clauses (e) and (g). In essence the bill says these are the narrowly defined assets and they are to be divided equally. Only if the

judge finds that the division somehow is inequitable—it's inequitable right from the start but only if he, in his discretion and in his judgement, determines that it's inequitable—does he look any further.

I really regret that we didn't follow the Ontario Law Reform Commission recommendations that all assets be considered and that there be no discretion given to the judge in this large area where he has somehow got to feel—

Hon. Mr. McMurtry: Did you hear your colleague from Peterborough (Ms. Sandeman)?

Mr. Bounsall: I heard my colleague from Peterborough and I will continue to comment in this area. I will continue to comment specifically about that. The judge in his discretion, having decided somehow that there was some authority there, can now go beyond a half share to the one spouse—and my concern, of course, is that the woman has not contributed financially—and say, "Okay, I will take into account some other circumstances."

I really don't feel that the word "maintenance," which occurs in section 4(2)(e) and in section 7(2) of the bill, is really going to allow any judge to take that decision to say, "Okay, here is one spouse who has performed only social functions. They are equally as important; therefore, I am going to take all of the property and make an equal division, including funds in retirement savings plans, all the stocks and bonds and that portion of the business which has appreciated in value since the marriage occurred." That is the only fair way of doing it. The way we have it here is simply not an adequate step forward at all.

Unless I sound completely negative, let me say that I find some of the other sections of the bill, by and large, to be adequate. I'll perhaps have the odd comment on those as I go along, but I think the other sections of the bill, with some exceptions, are quite worth supporting. I have real difficulty with this section, however, because I feel it does not meet the needs. I feel the Attorney General has really copped out on one of the basic recommendations of the Ontario Law Reform Commission in terms of the justice of the property and asset division by defining assets so narrowly and not making it include everything.

In terms of the Ontario Law Reform Commission report, I do not share the idea of my colleagues, the members for Peterborough and for Wilson Heights (Mr. Singer), that an accountant coming in and doing only

[the simple arithmetic—at some point they may have to divide by two; I hope that isn't too complicated a thing for the member for Wilson Heights—is an unreasonable way of determining the 50 per cent split.

Mr. Kerrio: That's a brilliant statement.

Mr. Bounsall: According to the definition by the Law Reform Commission, you bring in an accountant—

Interjection.

Mr. Eakins: Come on!

Mr. Bounsall: If the hon. members had been here, the member for Wilson Heights talked about the complex and very tough formulas as outlined in the Ontario Law Reform Commission report. There's nothing to it. There's no exponential term, there's no log term, there are no equations with brackets around them. You simply sum up the assets and you divide by two.

Well, believe me, those people who have objections on those grounds—the member for Wilson Heights, that was his objection; he finds that difficult to do.

Mr. Conway: What are you going to do for bachelors?

Mr. Bounsall: What am I going to do for bachelors? This refers to breakup of marriages, you know.

Interjections.

Mr. Bounsall: There's nothing complicated about that, it couldn't be more straightforward. I don't agree with my colleague from Peterborough when she says she has—

An hon. member: Shame, shame!

Mr. Bounsall: I don't share her concern at all about the equalizing claim when that accounting, simple as it is, is done. All it simply says is that when they make the accounting not all of the moneys are going to be in the bank account of one spouse or in bonds owned in the name of one spouse. It would be quite unusual if, when they did the accounting and got \$70,000, for example, they found that each of them in their own separate holdings had \$35,000 worth. All it says is that there's going to be some difference of the amount in the formal possession of one compared with the other, and that one simply has a claim on the difference.

Mr. Kerrio: Well-heeled socialists.

Mr. Bounsall: Usually one owns even part of a house these days, particularly in a large metro area—it may not be true of eastern Ontario, I don't know the housing values there.

Mr. Conway: What you don't know fills volumes.

Mr. Deputy Speaker: Order, please.

Mr. Bounsall: All I know is that the housing values in Windsor are not nearly like they are in Toronto.

Interjections.

Mr. Deputy Speaker: Will that bachelor from the Ottawa Valley try to control himself?

Mr. Conway: That was the member for Cornwall (Mr. Samis).

Mr. Bounsall: I am sure we will expect to hear him at great length on this bill, having no little experience in this matter.

Mr. McClellan: Send that member back to school.

Mr. Bounsall: But all it simply says is that one owes the other a simple amount, and if there's difficulty with the payment of that one to the other that's where you would go into court and that's where the judge would make this determination and perhaps give some length of time for that equalizing payment—the difference to make it equal—to be paid.

There's nothing I find distasteful about that. There's nothing complicated about that. Whenever you make a division, determining the total amount and making a division of 50 per cent, one will owe something to the other. The matrimonial home would, of course, all be part of that summation to the total. And that is what should have been done in this bill.

There are certain deficiencies in it. In my private member's bill I did not take the definition of separation and a separated couple into account. I spoke of divorce and nullity of a marriage, but it's contained in this bill. It should apply when spouses are separate. I think that is reasonable.

It goes on, "where . . . there is no reasonable prospect of the resumption of cohabitation." The Ontario Law Reform Commission took that point of view as well, but put a time on it. Here it's left very ambiguous and very vague. They put a one-year time on it, if I recall and I'm sure my recollection is correct. They said: "Look, if separation has taken

place for a year, okay, that's when the provision for property separation can apply." We do not have that time in here, and the ambiguity will certainly lead to litigation in court hassles, the very type of thing which we should be trying to avoid unless we are again trying by this bill simply to create a lot more work for lawyers.

One of my purposes, as I see it, in this Legislature is to try to get legislation before us which does not—

Mr. Kerrio: What do you have against lawyers? Lawyers are good people.

Mr. Bounsall: I have nothing against lawyers per se—I must make that clear—but I don't like to see legislation come forward which really in my way of looking at it derives a lot more work for them. I find this one to have all the capacity within it to do just that, where there is no time period on it and where one spouse could frustrate the other one by always saying: "I think there's quite a reasonable prospect that we will resume cohabitation." The whole point of even thinking to include them is therefore frustrated and a matter of disagreement between them.

In dealing with certain of the other sections, I certainly agree with the member for Riverdale (Mr. Renwick) on the sections relating to support obligations, that there are sections in here which are good. Section 12 is an excellent section. It says that every spouse has an obligation to provide support for himself and herself, in accordance with need, to the extent that they are capable of paying. That statement of principle is well worth supporting.

But again, when we get into some of the details of the sections, there are some reservations. When we get to section 15(3)(g) we see cropping up again, that in terms of determining the amount of support that should be paid, the bill is allowing conduct and behaviour of the applicant still to be a criterion in determining the amount of support. That section should be removed. It brings back in the entire concept of fault in a marriage. The section should be removed and should not be there.

In many ways we should be getting away from it, but in terms of support payments we are bringing back the whole concept where people look at each other, determine their behaviour and there are counter-charges back and forth and so on. If we are in a period where there is any possibility of cohabitation taking place, the existence of this section is not conducive to a reunion. The

minister is fully experienced with this situation. There are some couples who return together even just before the very last minute. But when they get into this sort of situation, the bill really is encouraging them to delineate, outline and further bring to the front of their minds the conduct of the other which they find unacceptable. It's not conducive to any sort of reunion between the two couples.

Mr. Conway: Two couples?

Mr. Bounsall: The two persons of the couple. As for the matrimonial home, rather than having a separate section for it, I would just as soon see it simply as part of the split, although I recognize that we do clearly need in Ontario some rules written down speaking to the right of one spouse or the other to occupy it. Even in this section, as far as I read it, this does not include shared ownership by both parties nor actual possession of it by one, if again it is left to judicial discretion. If the court decides otherwise, neither gets possession of the house, as I read the matrimonial home section. We can get into this in committee when we get there. To me, that is a disadvantage.

The Ontario Law Reform Commission's view was one which again coincided with my own, that the judge be granted very little discretion in these cases. I agree with that principle. The accounting is done by an uninvolved accountant, except if there are conditions, such as payment to be made over a term or a family business would flounder because of equalized payments.

[9:45]

Determining what form an equalization payment would take is the tiny bit of discretion which I would leave to the judge under the law reform. I'm happy with that. But all throughout this bill I find that there's just too much discretion left to the judges. In many jurisdictions it could be years before the equality that is granted in this bill comes forward through the decisions of our judiciary. And that does leave me in a position of finding those parts of the bill quite unacceptable, to me personally, in terms of meeting the needs of society as we see it today.

I could go into a lot more detail on portions of the bill, all of which interest me greatly. You're shaking your head, Mr. Speaker, and I certainly will bow to your superior wisdom in all of this. I certainly hope that the timing of the bill in committee is such, and that my other obligations are such, that I could follow this from beginning

to end in committee. It's one of my major interests.

But I say to the minister that I fully agree with the portion of it that defines the common-law union as being two years. I've had people say to me, how does one recognize the start of it? I don't think that's too big a problem. There are many ways in which the start of the two-year period can be recognized.

I've had people pose ridiculous sorts of situations to me as they question me about it: Can one spouse one day shy of two years move him or herself out of the situation for a day, and then return?

Mr. Kerrio: Certainly. Two years less a day.

Mr. Bounsall: Of course that is covered, and is not possible under the situation. I'm very glad of the definition.

Mr. Warner: Sounds like a sentence.

Mr. Bounsall: But the basic principle in the family property part which recognizes in all respects that marriage is a partnership and the division of all assets should be equal—

Mr. Kerrio: No way.

Mr. Bounsall: —is what should take place. The very narrow definition of assets here, so that that doesn't take place, I find quite unacceptable. In closing I would say—

Mr. Kerrio: You are going to vote against the bill.

Mr. Bounsall: —that I find it very regrettable that you did not buy the Law Reform Commission's attitude with respect to this section. In it, you simply have an accountant making an accounting of all the assets acquired since marriage and appreciation of those held before marriage and simply say that's the amount, there's the division. When difficulties come with that division, or if one should apply for a time period over which to pay the one part of that claim, I very much regret that that wasn't your view.

I don't really see this therefore as much of a step forward at all. The bill is such that I will not vote against it. I would hope that we would have many amendments in committee. There will be many points that need to be discussed fully in committee and I look forward to that. But I really feel that I could not support the bill on third reading if some really significant changes don't take place, primarily in the family property section at the committee stage.

Mr. Cassidy: Mr. Speaker, I find myself speaking on the bill now although I had hoped to speak next week. But I shan't be here on Monday and I shan't have the chance to talk with the minister about the bill at that time.

I'd like to raise some points now and may-be raise some later during the course of the committee stage of the bill. It's an area in which I also have taken an interest. I have been telling the member for Renfrew North (Mr. Conway) that I have a certain experience of marriage maintenance although not a marriage breakdown, and I'm not sure whether there are experts on the latter as well as on the former here in the House today.

I don't want to reiterate the points that have been made by my colleague about the areas where we are in agreement with the minister or where we think he is headed in the right direction. I guess it's true that almost everybody in the House welcomes the fact that a very genuine effort is being made to sweep away a lot of musty traditions and come to grips with marriage and marital relationships as they stand today.

I have to say that despite the efforts by the minister's predecessor to involve people across the province, I am rather disturbed at the combination of his speed and the slowness of the post office in preventing a great deal of public comment and input on this particular bill. The honourable the Attorney General's booklet on family law reform is in fact a model—

Mr. Conway: Heavy on the honourable.

Mr. Cassidy: —of the kind of material which should be prepared in conjunction with bills, both for the benefit of members of the Legislature and also the public. I would recommend that to some of his more retrograde colleagues of whom there are many.

Interjection.

Mr. Cassidy: However, I have to say that about nine days after I mailed out my copies of this to various interested parties in the Ottawa area they hadn't yet arrived, thanks to the post office. If the replies take as many days there will be no time for any serious consideration and I won't hear from them until next Wednesday.

Mr. Conway: It's run by the socialists.

Mr. Kerrio: Let's take over the post office.

Mr. Cassidy: That apart, it is a pity that there has been misunderstanding from the

early impressions of the bill and that there has not been an opportunity for people who are seriously interested to get their input back into this bill and into this debate before it was held.

I would like to comment on some of the points which are raised in the bill and I will structure my comments along the lines of the minister's opening statement because I think that's a fairly useful kind of approach.

I think we have to begin by saying that the minister's claim that this bill recognizes the equality of the sexes is spurious. In a very limited way the bill recognizes the equality of the sexes but it does nothing significant at all about the basic inequality of the sexes which exists in our society. If you don't correct that inequality of the sexes, then the difficulties with the marriage relationships which are related to inequality are going to continue.

Efforts to provide equality within the marriage relationship are good as far as they go, but we still must not ignore the fact that when partners, for example, determine whether or not to have a marriage contract they will be affected by their inequality. When support obligations are being determined they will be influenced by inequality. When the degree of contribution to the non-family assets of a marriage is being determined it will be influenced by the inequality of the sexes.

When one is trying to determine what a partner has lost by taking some time out to look after his or her children while the other spouse works, that will generally be affected by the inequality and the fact that it is usually the wife who works.

The obligation to support is a limited one in a case where a spouse is capable of working, but after a marriage breakdown you can easily have a situation where the man is capable of earning \$20,000, or \$25,000, or \$30,000 a year. The wife is capable of supporting herself, sure, but only at a level of \$8,000 or \$10,000 or \$12,000 a year and the years which she has given to that marriage relationship which could have been used in order to build up her experience and her earning capacity through education and training and work experience are lost years which can never be regained and never be made up and will not be compensated by the support obligations of this particular bill.

We are concerned, I am concerned as well, that in emphasizing the duty of individuals to take responsibility for themselves the minister, perhaps influenced by his colleague, the Minister of Community and

Social Services (Mr. Taylor), is fixated about the question of welfare costs to the exclusion of the other factors which should be borne into account.

It seems to me that if one reads section 12 of the Act it states that each partner has an obligation to support himself or herself and to support his or her spouse, that is a statement with which I as a socialist am in thorough and complete agreement.

Interjection.

Mr. Cassidy: When I get into further parts of the bill, however, and when I listen to the minister, both in his introductory statement and also in the statement that he gave this afternoon, I find the only real purpose of inclusion or of continuation of those sections of the bill is a feeling that exists in the Conservative Party that there is a bunch of people who are living common law or who are living in marital relationships and who are trying to rip off the public purse and are trying to ignore the support obligations.

Mr. Hodgson: He wouldn't do that.

Mr. Cassidy: It seems to me that it is demeaning to the whole state of marriage and the responsibility which was shown by couples, one to another, in this province, for the minister to see that as the only problem and the only need for these support obligations to be borne in mind.

I can cite case after case after case of spouses who have had the misfortune to have a spouse, a partner, who became crippled, became sick, became disabled, or became mentally deranged and had to go into an asylum or something like that, but the one spouse stuck with the other spouse and provided support, money and encouragement. One spouse even became senile, and had to go to a home of some sort. The other spouse hung in and week after week, day after day, was there with comfort, was there as a visitor, was there to bring whatever cheer he or she could to his or her particular spouse.

When the minister refers to the support obligations as mainly relating to welfare and the cost to the Treasury, frankly I think that he demeans marriage as it's practised in this province.

Mr. Conway: Shame, shame.

Mr. Kerrio: Shame. Oh, isn't that awful.

Mr. Cassidy: I think the third thing that concerns me is the fact that the minister and

the government have been extraordinarily reticent, if not reluctant, in coming to grips with the fact that a large number of couples in this province now have chosen to live in relationships which are not sanctified, neither by the sacrament nor by the legalities of marriage, and are living common law.

The minister went to great lengths today to reassure the House that people who are living common law don't have to share what would otherwise be known as their family assets. So be it. However, in his introductory statement he also went to great lengths to say that people living common law should not be able to sign and enter into a marriage contract—what one might call a non-marriage contract. It seems to me that that particular statement by the minister and policy by the government is rather quixotic and is irrational.

There can be instances, for example, where a couple who are living together as man and wife cannot get married in the legal sense because of the laws of the province which prevent bigamy, and because of the fact that one partner is irrevocably married and in a relationship which he or she simply cannot or will not break. I have in mind, for example, a case where somebody has religious objections to divorce and therefore will not divorce or cannot see his way to divorce. There are those very sad cases where a partner is hospitalized in an incurable way. I don't know what one's judgement of it is, but certainly these things happen where the partner who survives and is living in the outside world keeps up the pretence with his disabled partner so that the relationship continues, but in the meantime he is living as man and wife with somebody else, because he does not wish to commit all of his years to a spouse who will never recover.

There may be reasons where common-law partners, for reasons of ideology, of belief, of determination, or maybe of doubt about the other partner, don't wish to marry and where they do wish to enter into a marriage contract. I would like to suggest in fact that the existence and operation of a marriage contract within a living, vital, vibrant marriage is something which should be as important to us, as residents of the province of Ontario, as what happens under a marriage contract in the case of breakdown.

What happens in the case of breakdown is, it's a dead thing. It determines who gets the sticks of furniture, who gets the Volkswagen, who gets the Buick, who gets the

cottage, who keeps the home and that kind of thing.

Mr. Kerrio: Those are Conservatives you are talking about now.

Interjections.

Mr. Cassidy: You never know.

Mr. Hodgson: Experienced man.

Mr. Cassidy: You find them in the strangest places.

Mr. Hodgson: Is the member for Riverdale (Mr. Renwick) here?

Mr. Cassidy: I think one of the very important things that has emerged over the last five or seven or eight years of changing relationships between the sexes has been a much more deliberate entry into marriage by spouses, which is reflected in a number of cases either by informal agreements or by actual written agreements which have the status of marriage contracts. One can talk in very joking terms about who takes the garbage out and whether he will do the dishes on Friday night and whether she will allow him to have one night out with the boys.

Mr. Kerrio: No argument in my house.

Ms. Sandeman: Or her to have one night out with the girls.

Mr. Cassidy: The member for Peterborough suggests he will allow her to have one night out with the girls.

Ms. Sandeman: Or with the boys.

Mr. Cassidy: Or with the boys.

Mr. Deputy Speaker: Order, please. I will be happy to recognize either the member for Renfrew North (Mr. Conway) or Niagara Falls (Mr. Kerrio) after the member for Ottawa Centre has completed his remarks.

Mr. Cassidy: I am trying to make a serious point here. As the minister knows, there are in fact unusual relationships which are being written about and which are being practised now, where spouses who marry or spouses who enter common-law relationships agree that instead of the traditional kinds of fidelity which we have been accustomed to, at least on paper, they accept what everybody knows often happens, that is, under certain conditions they accept a certain amount of infidelity, and this becomes part of a contractual relationship.

Much more important, they accept in the contract a sharing of duties and obligations

towards children, towards the housework and the scut work, towards the other nastier sides of marriage rather than simply assuming that those things will be left to the wife as was the case in the past.

It seems to me that whether or not the minister recognizes that common-law couples can have marriage contracts, some of them are going to have them. In certain cases where those contracts do relate to matters of property and not to matters of behaviour or who takes out the garbage or who does the dishes, they should be enforceable in courts of law.

Hon. Mr. McMurtry: They are right now and they will be.

Mr. Cassidy: If the minister says they are right now, and I had thought he might take that position, then it seems to me that for the draft paper and for his statement to say that common-law couples are somehow in some inferior place where they can't have contracts, should be retracted and the right of common-law couples to enter into marriage contracts should be recognized at law.

Hon. Mr. McMurtry: I never said any such thing.

Mr. Cassidy: It should be reiterated at law in this particular document which is the new statement by the province of where things stand.

I would like next to go to the basic property divisions that are involved here, the family assets approach. As the minister may realize right now, there is concern in the New Democratic Party that the family assets approach is limited for a couple of reasons.

One reason that can be raised in more detail in the committee stage of the bill is a feeling that the definition of family assets is too limited. If he has a yacht down in Toronto harbour, for example, and she can't stand sailing, then that is not a family asset unless she can sneak one of the kids into the trunk of the car and get the kid on the boat one afternoon when her husband isn't looking. Literally speaking—and I am not sure whether the courts will be that literal—that determines whether or not in the case of breakdown she has a piece of a \$20,000 asset for the purpose of recreation which he has bought during the course of the marriage. I suppose one could say that if she acquires certain kinds of handicrafts which are valuable and keeps them, however, in her study and never lets him have a look at them or touch them or talk about them or something

like that, likewise, those would not be considered as family assets.

That's a matter of definition but I would like to go beyond that. The member for Riverdale (Mr. Renwick) has already expressed our concern at the exclusion from this bill of one of the crucial sections of the 1975 amendments. That was the section which said that just because you contributed to the acquisition of an asset in performing your normal duties as a spouse, it didn't mean you couldn't have a share in it. We believe that that should be brought back into this particular bill. We think that the minister should reassure the House that the exclusion was accidental and not by intention.

I thought very carefully, Mr. Speaker, about the question of the various alternative property regimes which could be used on the case of marriage breakdown or divorce, bearing in mind the original approach which has been taken by this ministry and government, and bearing in mind the alternatives. I think it should be borne in mind to begin with that the system which Ontario is bringing in is a system of judicial discretion with strong guidelines. In other words, there's not a guarantee to a 50 per cent share of family assets but the guidelines are sufficiently strong that the 50 per cent rule will apply unless the courts find some other reasons for going in a different direction. That's as it should be because we mistrust whether the courts, with justices whose formation was perhaps still mainly before rather than after the Second World War, are capable of understanding the spirit as well as the letter of the law on division of property as it has been written.

However, the objections to going further to either deferred community or full community of property, Mr. Speaker, it seems to me could have been dealt with in a different way. As the minister knows, we intend to suggest that a certain amount of what one might call the non-family assets of a marriage be included in the community of property which would be created at the time that a marriage breakdown occurs.

I want to go to the minister's own booklet on this, because it seems to me that his reasons for rejecting full community or deferred community are far more a judgement that the Conservative government has made about the public opinion among the people who they hope will vote for them in the next election than a measure of the public opinion of the citizens of the province as a whole. The objections that are otherwise raised by

the ministry are on the basis of technicalities and not on the basis of principle.

Let me turn to the question of full community of property first. The ministry says: "Co-ownership of all assets during marriage, severely inhibits the couple's freedom to deal with property, including a business. Each spouse is also automatically responsible for the other's debts and the system suffers from rigidity and complexity." I think that they are right to say that the benefits that are achievable under deferred community of property in the case of marriage breakdown are pretty comparable with those of full community, provided that they come into play at the time the marriage breakdown occurs.

Let me tell what the minister says about deferred community: "There is a lack of overall public support for this alternative."

I am not sure what this means. It may mean that the women who we talked to support it but the women who they expect will keep them in office don't.

"One of the chief drawbacks it is said is a lack of flexibility. It would also call for a record-keeping and valuation of property owned before marriage, gifts and inheritances. A second calculation would be required to value property on marriage breakdown. It might be necessary for accountants or lawyers to straighten out the financial affairs of average couples."

[The point I want to make, Mr. Speaker, is that in all of the discussions of deferred community of property, there is really no effort made by the ministry or the minister to dispute the principle that the contributions that spouses make, whether through running the business affairs of the partnership, the economic affairs of the partnership, or to performing the duties of a spouse, and thereby helping the other spouse do those things and make money. There's really been no denial by the ministry of the principle that the activities of the one spouse in making money and of the other spouse of raising the kids and looking after the home, don't really justify an equal sharing of the property that has been built up between them both as family property and also as non-family property.

The ministry doesn't deny that the spouse that stays at home should have an equal share. The ministry simply says that the public isn't ready for it and that there are drawbacks because of the lack of flexibility.

I want to suggest, Mr. Speaker, that a very substantial step towards the deferred community of property could be achieved

and the drawbacks of which the ministry speaks could be avoided if one chose a limit for non-family assets and said any non-family assets up to that particular sum should be included along with the family assets at the time that you broke the total assets in two. The non-family assets which would be included would be non-family assets regardless of whether they have been accumulated before or during the marriage.

The reason that you can take that rough rule of thumb and say, "we'll take non-family assets that happen to have been owned by one of the partners before marriage," is because you set an upper limit on it. Then you allow the partners, through a marriage contract, to make some other arrangements if, for example, there was a very substantial sum of non-family assets brought into the marriage by one spouse when the marriage began.

The actual figures that are involved—the dollar value of non-family assets that should be included—is less relevant than the principle. The need for accountants and lawyers and so on would not be present in the case of an ordinary marriage because the value of non-family assets in most cases isn't going to be very great.

Somebody may have an interest in a corner store that's worth \$25,000. It's a non-family asset, despite the fact that the wife has contributed an enormous amount because she's kept the family together while the husband was working there 15 hours a day. There'd be no hassle about including that asset—the \$25,000 worth of the store—in the community of property in the case of a marriage breakdown. But that hassle exists, and the wife has to go to court to get her contribution recognized, under the proposal that the minister makes.

Somebody comes into a marriage with \$100,000 and a business; his wife and he live happily together for 20 years; at the end of 20 years she has no greater claim to the \$100,000 worth of business than she had at the beginning. Yet I would have thought that she really has contributed and earned a share in that business over that period of time, even if she's never visited the place where the business is carried out. But that principle isn't recognized by the minister and we think that it should be.

Mr. Kerrio: That's socialism.

Mr. Cassidy: It's a step towards socialism. We need a few more steps towards socialism.

I would suggest that the fact that this is a simple procedure and doesn't require ac-

counting and record-keeping at the beginning and the end of the marriage would help to gain public support for it in the public mind. The fact that it's fair for average Ontario couples would help to win support for this proposal in the public mind. The fact that the right to opt out of a marriage contract is still there would help to win support for this proposal in the mind of the public of Ontario. The fact that if a spouse shares in the non-family property, then he or she, usually she, is thereby made much more independent and, therefore, less liable to require support from the other partner in the case of marriage breakdown, would also help to win public support for this particular proposal from the people of Ontario.

That's why I would like the minister to very seriously consider this proposal I'm making. There have been problems in the definition of "family assets" which have been allayed only to a certain point. Some women find that they're the ones who've got the assets in the marriage and they're married to some guy who really is pretty much of a bum and they're going to have to share their assets with him in the event of family breakdown. I would say to them that while I recognize that problem they have a couple of options. One is to kick the bum out; another one is to draw up a marriage contract and get him to sign it; and a third one is to recognize that for every woman who may be prejudiced in her mind in those terms, there will be dozens, if not hundreds, of women who will benefit from the equal sharing under the family assets approach, whether or not it could be broadened.

It's also fair to point out, as I'm sure the minister will, that in the case where a woman has made all of the contribution to the family assets and her husband has simply sat at home and drunk beer, then it may well be that the courts will use their judicial discretion to make an unequal rather than an equal sharing of the family assets.

The next point I want to raise, Mr. Speaker—I don't want to touch any more on the welfare-bashing that the minister is indulging in under the question of support obligations—I have also talked now about the question of allowing common-law spouses to enter into marriage contracts. It seems to me that the only difference between a common-law relationship and a marriage relationship should be on the question of the sharing of the matrimonial home and the automatic equal sharing of family assets. There is an incentive to get hitched for those reasons, I suppose.

[10:15]

The minister should also realize that if he pushes this too hard, if he makes common-law relationships too difficult, he could have a very destructive impact across the province. I'm not sure about his friends in North Toronto, but I have to tell him that in Ottawa, and maybe in other parts of the province, one of the worst things that can happen to a common-law relationship is marriage. I have seen many common-law relationships founder because the spouses decided to go and get married. Almost as soon as they get married, they start looking around for a divorce, whereas if they stayed unmarried, but together, they might be together to this day.

Mr. Kerrio: That could ruin a marriage. Marriage ruins a lot of relationships.

Mr. Cassidy: But I would have thought that if the minister thinks that stable relationships are important in this province, he should bear in mind, that some people can live together more stably not married than they can if they actually take that terrible step.

Mr. Kerrio: You don't believe that?

Mr. Cassidy: Not only do I believe it, but I'll give evidence.

Mr. Warner: Right on.

Mr. Cassidy: The penultimate point I wish to raise is a fairly serious one. I don't think it has been really considered by the minister. It's certainly not touched on in this particular booklet on family law reform.

I think real problems of rigidity are introduced with the provisions for marriage contracts as they exist, because of the fact that they are binding on both parties and cannot be altered, as I understand it, except by the consent of both parties.

I understand that the courts can intervene in a marriage contract where they feel that a marriage contract was written under duress. The kind of problem that I have in mind, however, is where relationships change, or the nature of the economic and social relationship between partners changes, and the marriage contract has not been updated to reflect those realities.

I can give a hypothetical example—and I know it's hypothetical—let's suppose that a 19-year-old girl, who's only had a year or two of college, gets married to some fellow who comes from the blue-blooded end of Toronto; he is well-endowed financially and seems to be well-endowed in career terms,

having just come out of Osgoode Hall Law School and entering into a fairly brilliant career in the law.

Let's say his family suggests quite strongly that the marriage contract should allow that many of the assets which he receives from his side of the family should be sequestered for the benefit of the children and not be put into a position where she can have a share of them. She agrees.

Let's go five or 10 years down the pike and suppose that his early promise has not worked out; he has a fairly obscure partnership in a rather dismal Toronto law firm and isn't making very much money—

Hon. Mr. Kerr: There ain't no such thing.

Mr. Kerrio: There are no law firms like that.

Mr. Cassidy: —while she has become, say, a cinematographer, is doing quite well and is contributing a great deal, both in éclat and in finances, to the economic relationship of the partners. Thus, the relationship between the two of them is much different from what people had assumed at the beginning.

We then find that because they were starting out with a \$200,000 mansion, which was given to them by the family but which in the contract was designed to go down to the children and not be shared to her, that the contract provided that the family assets basically go to the kids and that she would not have a half share in them. That would be a contract that would not realistically relate to the relationship of the spouses. But the question is, how can she get a change in that relationship if he feels threatened and doesn't want to change it and if she, on the other hand, loves the guy and doesn't really want to push her side of the case to the point where a marriage breakdown is threatened?

It seems to me that there should be some means by which marriage contracts can be reopened and that they should not be graven in stone if one partner or the other adamantly refuses to broach any changes. The arrangements that people make at the age of 19, 21 or 23 may not be the arrangements they wish to continue with in their 30s, 40s or 50s. Relationship change, mature, differ. It may be that they want to have a different kind of relationship or that one partner is seeking to have a different kind of relationship but is boxed in because of the way in which that contract had been drawn up.

I want to make a specific suggestion which comes from me personally and which is the kind of thing that can be debated further in

committee stage, that where a marriage contract exists there should be a means for either spouse to reopen it at regular intervals, perhaps every five or seven years. You could say that it had to be reopened actively, that is, the two partners had actually to sign—

Mr. Kerrio: Have a union and negotiate every three or four years.

Mr. Cassidy: The member for Niagara Falls doesn't understand what this is all about.

Mr. Kerrio: You aren't kidding.

Mr. Cassidy: The two partners would actually sign the marriage contract anew, to renew it every five years. Or it could be a more informal kind of thing where, if one spouse wished to reopen it, then that spouse could so indicate and, once the spouse had indicated, then the contract would have to be renewed. In other words, there would be a certain period of time, perhaps every five years, and if the spouse at that time indicated that he wished the contract to be reopened, it would lapse and a new one would have to be signed or else it would have to be renewed jointly together.

Hon. Mr. Kerr: When would you discuss that with her? Would that be over the second cup of coffee in the morning or when you are changing a diaper?

Mr. Cassidy: What would happen would be that if the marriage contract was effectively repudiated or a new agreement could not be reached, then the partners would lapse into the family asset sharing or the deferred community approach, whatever approach happened to exist under the law at that time or as it stands at this time.

It seems to me that that would be a protection against spouses who might enter into unwise marriage contracts at an age when they are not particularly mature. On the other hand, it could be healthy as well in forcing people to re-examine their relationship from time to time to see what they should do about it.

Finally, I want to raise a question or two about the powers of the family court. I'm concerned that the minister is going to have a pilot project for three years of a unified family court in Hamilton, while in the meantime Ottawa, York and the rest of the province have to wait with the existing inadequate system as it stands. I don't think that's good enough. I think the Attorney General should be making reforms in the family court system across the province and doing it much more rapidly.

Hon. Mr. McMurtry: You don't understand the problems. Speak to your friends about them.

Mr. Cassidy: I understand that there is a problem. I'm concerned at the minister's lack of urgency in tackling it.

Hon. Mr. McMurtry: Oh, nonsense.

Mr. Cassidy: Long before this minister was in office, member after member on this side of the House—Mrs. Campbell, since she's been in the House as well—was telling the government—

Mr. Speaker: Order, please. It should be the hon. member for St. George.

Mr. Cassidy: —what a shambles the family courts were in and the kinds of problems that existed. Now the government finally comes along with the crusading member for Eglinton (Mr. McMurtry) in order to come along with a reform, but the reform is going to be some time in the 1980s. That simply isn't good enough and it reflects his party's inability to adapt to the kind of changes that are taking place in the province at this time.

Hon. Mr. McMurtry: You really don't know what you are talking about. You are so burdened with sanctimony you have a difficult time to see the forest from the trees.

Mr. Speaker: Order, please.

Mr. Cassidy: As a matter of fact I dipped into my cup of sanctimony just to have a bit of it available in case of need.

Mr. Speaker: Order please. I'm not sure that this is part of that bill.

Mr. Cassidy: Mr. Speaker, the minister has been wrapping himself up as a progressive, and that's not true.

Hon. Mr. Kerr: He should be.

Mr. Cassidy: It's slightly misleading, shall we say. Deep down, he's still a Tory and he's been put up as a progressive flag bearer for the party—

Hon. Mr. Kerr: You keep your flags to yourself.

Mr. Cassidy: —in order to keep some credibility with the two-thirds of the province that wants that kind of a thing.

I want to raise a final point in relation to the family court and I'll be very brief about this. I think there are enormous prob-

lems, whether you have a unified or a dis-unified family court, in the enforceability of family court orders. I have had some absolutely heartbreaking cases to deal with of family situations where there have been child custody orders which have been flouted, where children have been literally kidnapped, but where there was no action under the Criminal Code because the family court order wasn't strong enough to bind the other partner or for the Crown to act. In fact, the family court order dies 25 miles out of town. It turned out in some cases that the orders of the superior courts are also not sufficient to bind. They certainly are not sufficient to bind outside of the province of Ontario or outside of Canadian jurisdiction in the United States—despite the fact that you can take a kid and in two hours you can be out of Toronto and in Buffalo and right outside of the law's grasp—and that has happened.

When parents have broken up there is, in many cases, a really legitimate desire by the parent who has kept the child to allow the other partner to continue to have certain rights of access. In other cases, whether that desire exists or not, the right of access is ordered by the family court, and so it should be. Where that right is abused and a child is spirited away, you create enormous heartbreak; you create enormous disrespect for the jurisdiction of the family courts; you create situations where the people who have been wronged say, "The hell with it, I'm going to do the same thing they did. I am going to snatch my kid back"—you get a complete disrespect for the law.

It seems to me, Mr. Speaker, that it is very important, if we are going to have an adequate system of family law in the province, if we are going to try to take away from these passionate disputes, which

are so heartbreaking and which can wreck lives for so many years, between spouses who are at odds, that the decision-making by the family court should be seen to be fair and equitable and that its decisions should be made to stick.

That is not the case in many, many situations right now. As the minister knows, support obligations are dishonoured and ignored; the payment obligations are forgotten; orders about sharing a property are not respected; and orders about the custody of children are not respected and enormous heartbreak is created by that. I would hope that during the course of this debate the minister could talk about that particular subject. It seems to me this is one of the matters which has got to be sorted out during the course of the overall reform of family law.

With that said, Mr. Speaker, I thank the member for Scarborough-Ellesmere (Mr. Warner) who allowed me to go ahead of him so I could speak today on this bill. While we welcome the bill, there are a number of major areas where many of us have suggested amendments should be made, and which are sufficiently broad that we feel we may not be able to support the bill on third reading if it is left in its present stage without substantial amendment. Thank you.

Mr. Speaker: Perhaps it is not worthwhile at this time of evening for the hon. member to start. If he wishes to adjourn the debate I accept that.

Mr. Warner moved the adjournment of the debate.

Motion agreed to.

On motion by hon. Mr. McMurtry the House adjourned at 10:30 p.m.

CONTENTS

Thursday, November 18, 1976

Family Law Reform Act, Mr. McMurtry, on second reading	4811
Motion to adjourn, Mr. McMurtry, agreed to	4828

SPEAKERS IN THIS ISSUE

Bounsall, E. J. (Windsor-Sandwich NDP)
 Breithaupt, J. R. (Kitchener L)
 Campbell, M. (St. George L)
 Cassidy, M. (Ottawa Centre NDP)
 Conway, S. (Renfrew North L)
 Deans, I. (Wentworth NDP)
 Eakins, J. (Victoria-Haliburton L)
 Gaunt, M. (Huron-Bruce L)
 Grossman, L. (St. Andrew-St. Patrick PC)
 Hodgson, W. (York North PC)
 Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
 Kerrio, V. (Niagara Falls L)
 McClellan, R. (Bellwoods NDP)
 McMurtry, Hon. R.; Attorney General (Eglinton PC)
 Reid, T. P. (Rainy River L)
 Rowe, Hon. R. D.; Speaker (Northumberland PC)
 Sandeman, G. (Peterborough NDP)
 Stokes, J. E.; Deputy Speaker (Lake Nipigon NDP)
 Swart, M. (Welland-Thorold NDP)
 Warner, D. (Scarborough-Ellesmere NDP)
 Wells, Hon. T. L.; Minister of Education (Scarborough North PC)



Legislature of Ontario Debates

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Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. (Phone 965-2159)

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LEGISLATURE OF ONTARIO

FRIDAY, NOVEMBER 19, 1976

The House met at 10 a.m.

Prayers.

Mr. Speaker: The hon. member for Grey-Bruce.

POINT OF PRIVILEGE

Mr. Sargent: Mr. Speaker, on a point of personal privilege. Following the events of yesterday, when the member for Ottawa East (Mr. Roy) was named and sent out of the House, in view of the fact that he was vindicated by the Attorney General, (Mr. McMurtry), and that I think he was slandered by the Solicitor General (Mr. MacBeth), I believe there is an apology forthcoming to the member from the Speaker at this point.

Mr. Speaker: I'm sorry. I didn't hear the very last part of the hon. member's remarks.

Hon. B. Stephenson: Don't hear it.

Mr. Sargent: Telling you this, sir, is like trying to sell peanuts to a Republican today.

Mr. Speaker, I want to make quite clear as a member of this House that I think you owe an apology to the member for Ottawa East, in view of the fact that he was cleared by the Attorney General and was slandered by the Solicitor General. You did not give him a chance and you named him. I think you owe him an apology.

Mr. Speaker: Order, please. I disagree with the hon. member. I think that's all I'll say at the moment.

POINT OF ORDER

Mr. Reid: Mr. Speaker, on a point of order, I wonder if you could clarify something for me and perhaps for the House. It has caused some consternation to myself, having been embroiled in this matter a couple of weeks ago, in which your ruling was that if a member stated that another hon. member was misleading the House, that was an offence punishable by being named and therefore ejected from the House. It's not my recollection that that was a previous ruling of any

other Speaker, and I'd like to know if you could indicate to me where in the rules that particular ruling has come from.

It seems strange to me because at the time I was embroiled in that particular matter, the Premier (Mr. Davis) got up and accused the Leader of the Opposition (Mr. Lewis) of everything but being an outright liar; he was very careful, I presume, in not saying that that particular member had misled the House but, in fact, he said everything else. In any case, I wonder if you could give me the background of your rulings as to the misleading of the House, directly or indirectly, as being an offence punishable by ejection for the day.

Mr. Speaker: I'm sure the hon. member is familiar with the rules and has probably looked them up. I notice in standing order 16, subsection—

Mr. Singer: Ten.

Mr. Lewis: Or nine.

Mr. Singer: Nine or 10. But the word.

Mr. Speaker: Yes, you might say it's a combination of subsections 8, 9 and 10, but it's pretty well the standing rule and procedure in this House. Part of the offence is making the accusation that a member deliberately misled the House and the member rises to correct it, then that must be accepted. Then we ask the hon. member to withdraw that accusation, that's all, for the sake of decorum and procedures in the House.

I might say in connection with that whole event, there will be a further communication to the House on Monday. There just hasn't been time this morning. If you'll just leave it at that, we'll see what transpires on Monday. But as far as the hon. member's question is concerned, the answer is contained in those particular items. It's a very regrettable incident when any one member does deliberately accuse another member, irrespective of party or who it is. I really don't want to debate the issue here this morning. Thank you.

Mr. Reid: Mr. Speaker, if I may add briefly to that, I appreciate the references to subsections 8 and 9; I was on the committee

that drew up these rules. But the point that I am making is that it seems to boil down, at least in the Speaker's mind, that you can say almost anything else as long as you don't say he misled the House.

Mr. Speaker: As I indicated yesterday I think, and certainly on other occasions, oft-times there are things said in this House which I think a more temperate person would not utter.

Mr. Singer: Mr. Speaker, on that point, I wonder if you could consider the point raised by my colleague from Rainy River a little further and in a little more depth. I am perturbed after reading the words of standing order 16, subsections 8, 9 and 10, and having listened to your rulings on a couple of occasions. In my experience in the House the accusation that an hon. member has deliberately misled the House has been one that is frowned upon and is probably against the rules and certainly against the practice of this Legislature. That seems to be supported by the word "deliberate" in front of the word "falsehood" in subsection 10. On two occasions—the one the hon. member for Rainy River (Mr. Reid) refers to and the one yesterday—there was an accusation that another hon. member had misled the House, perhaps deliberately or perhaps inadvertently. It was never quite said either way. I think it perhaps might be helpful to all the members of the House if you took your time and studied it and gave us a specific ruling on this point. I think it could relieve some of the tension.

Mr. Speaker: I might just point out that the word "deliberate" is a matter of degree. Statements by the ministry.

MULTI-YEAR LICENCE PLATES

Hon. Mr. Snow: I am pleased to inform the House that the programme of issuing multi-year licence plates for passenger vehicles registered in the province of Ontario has been most successful. The licence plates, first issued in 1973, have met and in most instances surpassed our expectations. Therefore, we will continue to validate the 1977 plates by means of an adhesive sticker.

These stickers may be purchased at any of the 300 licence-issuing outlets throughout the province and will go on sale Wednesday, December 1. The 1977 stickers will be red in colour and there will be no increases in cost to the motorist over the 1976 fees. Fees for automobiles will remain at \$40 for eight-cylinder cars, \$32 for six cylinders and \$23

for four cylinders or less. Trailer, motorcycle, historic vehicle and moped licences will go on sale at the same time. The fees for registering these vehicles will also remain unchanged.

When the multi-year plates were issued in 1973, it was expected that the province would realize considerable savings related to the fewer number of plates required each year and that the issuing of renewals would be more efficient with the use of stickers. Both of these expectations have been realized. The ministry has saved millions of dollars by not having to reissue plates annually. Reports have come to me that indicate it is now possible for an individual to complete the renewal process in less than two minutes.

If more motorists in the province would remember to purchase their renewal well in advance of the February 28 deadline, we know we could drastically reduce those annoying lineups at the issuing offices. The life expectancy of the current multi-year plates was unknown when they were introduced in 1973. Today we know that the markers will last indefinitely. Therefore, there will be no general reissue of the plates. We will instead issue plates for new car registrations and replacements on older vehicles only when the plates become damaged or defaced.

Along with this continual replacement programme my ministry plans to introduce reflectorized licence plates to Ontario as soon as the production equipment can be installed and the new styles distributed to the licence issuing offices. This should be before the end of 1977. Reflectorized licence plates are now used by five other provinces in Canada and 47 jurisdictions in the United States. They provide greater night recognition when installed on passenger vehicles and give parked vehicles an extra reflective point during the dark hours.

When introduced to Ontario, reflectorized licence plates will form an integral part of the continuing safety programmes initiated by the Ministry of Transportation and Communications.

Mr. Speaker: Oral questions.

POINT OF ORDER

Mr. Deans: On a point of order, yesterday I rose and asked when the Premier (Mr. Davis) was going to make a statement with regard to the public health nurses. He promised on Wednesday last there would be a statement this week. I indicated yesterday that I had reason to believe the Premier would

not be here this morning. I was told in a communication from the Premier's office that the Minister of Health (Mr. F. S. Miller) would make the statement this morning with regard to the public health nurses and their negotiations.

I don't quite understand why they are delaying, or what the problem is, or why the Premier isn't here, or why the Minister of Health isn't here. I had a commitment last Wednesday for a statement this week and I had further affirmation of that commitment yesterday that the statement would be made.

[10:15]

Mr. Singer: Off with their heads.

Mr. Speaker: I am sorry I can't be of assistance to the hon. member.

Mr. Deans: I just raise the issue.

PUBLIC HEALTH NURSES' NEGOTIATIONS

Mr. Lewis: Maybe I should direct the first question to the Minister of Labour to ask her whether the government is ever, but ever, going to pull itself together sufficiently to deal with the resolution of this dispute? Can she think of any other dispute which has been handled so badly for so long?

Hon. B. Stephenson: I would disagree completely with the hon. Leader of the Opposition that this dispute has been handled badly. Immediately upon the receipt of the statement from the Minister of Health regarding increased funding to local boards of health, the industrial relations director of the Ministry of Labour made contact with both parties in the dispute. Next week there are four sets of discussions beginning between the Ontario Nurses Association and four local boards of health—four key boards of health, I believe. We have also been having discussions with the leadership of the Ontario Nurses Association and with the Association of Boards of Health of the province of Ontario. At the moment things are proceeding in a rational way towards the development of collective agreements.

Mr. Deans: That's nonsense.

Hon. B. Stephenson: I think this is a very real possibility at the present time. As I have said before, I have had a commitment by both parties to the development of a programme which will resolve this problem

in the future in a way which is acceptable to both sides.

Mr. Lewis: I don't quite understand the minister. By way of supplementary, is she saying that, of the 27 disputes outstanding, four return to the bargaining table next week? Does she call this a rational return to collective bargaining? Is there no way the government can persuade the other 23 boards of health that in the interests of the good faith bargaining clause in The Ontario Labour Relations Act they too must assume bargaining with their employees?

Hon. B. Stephenson: The hon. Leader of the Opposition is assuming something which is not fact. The Ministry of Labour is attempting just such a course to persuade the other boards of health to return to the bargaining table as well. I have said many times in this House that the best solution to the problem is one which is agreed upon by both sides. That's precisely what we are trying to achieve; we are in fact directing every effort that way right now.

Mr. Deans: Supplementary question: Which four boards are meeting next week?

Hon. B. Stephenson: Hamilton-Wentworth is one. I can't remember the other three at the moment but I know that that one is meeting next week.

GUIDELINES TO JUDGES

Mr. Lewis: I have a question for the Solicitor General or the Attorney General. I will put it to the Solicitor General first because he handles things with greater moderation and, therefore, I prefer to tackle him initially.

Interjection.

Mr. Lewis: I am going to come to menopausal matters.

I want to ask the Solicitor General has he thought in the last day or two of the possibility of some renewed courses for some of the judges of the province, to talk to them about simple matters relating to sexual equality before the law and the value of eliminating gratuitous and prejudicial comments during the course of their judgements? Would he also in that concept comment on this phenomenon enunciated, I gather in the last day or two, that men are incapable of prostitution and, therefore, are beyond the law in such a matter when it comes before the courts? What is happening to the judges

in Ontario? Are they all so threatened by the phenomenon of equality?

Hon. Mr. McBeth: Yesterday the member for Carleton East (Ms. Gigantes) in all seriousness asked me a question. Although it was dealt with on all sides with a certain amount of levity, it was a serious question. In connection with the matter, she asked me whether our policy field might look at it. The policy field in the general broad issue will be pleased to do so and also to look at this other question the Leader of the Opposition mentions of male prostitution. However, as far as dealing with the judges is concerned, and that type of question, the Attorney General is here and I would ask that he reply to it.

Mr. Lewis: I was afraid you might do that but I'll turn it over to Mr. McHeadline.

Mr. Speaker: The hon. Attorney General, I presume you mean?

Mr. Deans: How did you know?

Mr. Singer: That is hardly parliamentary.

Mr. Kerrio: As one headline seeker to another.

Hon. Mr. McMurtry: I think, Mr. Speaker, with respect that the judges of this province are quite capable of discharging their responsibilities without any assistance from me. I think their responsibilities are usually discharged in a very able, fair and effective manner.

I've not seen a transcript containing the rather unusual statement that's been reported in the press. I have ordered a transcript. I would like to take a look at it because it obviously appears to be a remark which should not have been made. Again, I think the Leader of the Opposition appreciates that the judges of this province are in no way under the supervision of the Ministry of the Attorney General nor of any other ministry. I think the type of instructions that the Leader of the Opposition refers to really don't need to be given to the judges by anyone. I think they're quite aware of their responsibilities in this area.

Mr. MacDonald: A supplementary, Mr. Speaker. Some years ago one of the Attorney General's predecessors informed the House that periodically the Attorney General brought magistrates together primarily for discussing sentences so that there wouldn't be divergences in the sentences or unequal application of the law in various courts.

Mr. Singer: Do you remember what happened to him?

Mr. MacDonald: Would it not be appropriate, without interfering unduly with them, to have some such getting together to examine the law and its implications with reference to sexual equality?

Mr. Singer: He had something to do with Bill 99, that fellow.

Hon. Mr. McMurtry: I can't speak for my predecessors insofar as it concerns gathering the judges together in that manner. My own view is that that is not the role of the Attorney General and it would be improper for the Attorney General to act in that manner because it would simply be indicating to the judges that he is acting as some form of supervisory body.

Mr. Breithaupt: What's wrong with that?

Hon. Mr. McMurtry: I can state that I am in constant communication with the chief judges of the provincial courts—

Mr. MacDonald: Can they do it?

Hon. Mr. McMurtry: —and they do it. This is the role of the chief judge; the chief judge does all courts really, particularly the provincial courts. They do have these educational type seminars on a regular basis and we do fund them.

Mr. Renwick: A supplementary question to the Attorney General: I take it that he would not find it amiss to draw to the attention of the chief judge the comments which have been made in this House about a matter of significant concern to the members?

Hon. Mr. McMurtry: I would be quite happy to do that, Mr. Speaker.

PUBLIC HEALTH NURSES

Mr. Lewis: Is the Minister of Health inclined to make a statement on the public health nurses or did he come into the House just because it's Friday morning and he wanted to be here?

Hon. F. S. Miller: Mr. Speaker, I'm always here on Friday mornings.

Mr. Singer: Even when the House isn't sitting?

Mr. Lewis: Has the minister any statement to make?

Hon. F. S. Miller: No, I have no statement to make to the House, Mr. Speaker. The

statement I did make a couple of weeks ago was one which indicated we were willing to pay up to parity on an hourly basis. The question of whether any further action would be taken I'm sure will have to be resolved by the Premier (Mr. Davis) and I but we really honestly did want some time for the boards and the nurses to negotiate.

I'm seeing a group of nurses in my riding tonight. I've seen some others in the meantime and I'm trying to encourage settlement in a normal negotiated way. I'm sure the member would agree with me on that.

INTERMEDIATE CAPACITY TRANSPORT SYSTEM

Mr. Lewis: A question, if I may, to the Minister of Transportation and Communications. Back on June 21, when he announced his intended experiment with electric trains, he said, "We will introduce supplementary estimates in the fall for this project." Yet he has put out tenders and he is proceeding by Management Board orders; when do we get a chance, therefore, to debate it in the House because no supplementary estimates came from his ministry?

Hon. Mr. Snow: Mr. Speaker, at that time it had been my intention to introduce supplementary estimates this fall, along with other ministries which will have supplementary estimates. This has not been done because the funding, as I understand it—I wish the Treasurer (Mr. McKeough) were here because it's really his decision—for the UTDC will be by way of a loan to UTDC from the government rather than by way of budgetary funds through my ministry.

Mr. Speaker: The hon. member for Kitchener—is he leading off this morning?

EXCAVATIONS AT BURIAL GROUNDS

Mr. Breithaupt: Yes, Mr. Speaker. A question, first of all, to the Minister of Consumer and Commercial Relations with respect to The Cemeteries Act, for which I believe he is responsible.

Can the minister comment with respect to the matter of the Indian burial site at Grimsby, particularly to the point that while the owner of the property could bulldoze the lot if he wished, excavation for archeological purposes cannot be done, certainly at least, without the consent and the interest obviously of the Indian peoples? Would the minister consider changes in The Cemeteries Act

to protect the native people's rights so that the reporting of these discoveries and consultation with groups—since some are not as concerned about the disturbance of the site as are others—would be a way of resolving an interest which appears to be somewhat confused at the present time?

Hon. Mr. Handleman: Mr. Speaker, certainly the situation at Grimsby brought to light some aspects of The Cemeteries Act which require further study. It's my understanding that that particular situation has been resolved by voluntary agreement among all the parties. The dig has been suspended.

We're studying the situation. I would not want to say right now that we're prepared to amend The Cemeteries Act. We're certainly looking at it in the light of that situation to see whether or not amendments would be necessary.

Mr. Breithaupt: While the minister is looking at that, would he deal with the Minister of Culture and Recreation (Hon. Mr. Welch) as well to consider the declaration of these native burial sites, when they are found, to be historic sites so that they can be protected and so that landowners in the area will know that the properties have to be treated in a somewhat different way from an ordinary piece of land which, at the present time at least, could be used for a building site without that consideration?

Hon. Mr. Handleman: Mr. Speaker, it would be presumptuous of me to deal with the Minister of Culture and Recreation on The Ontario Heritage Act which is his responsibility but I'm sure he's fully familiar with the situation in Grimsby and the kind of results it could lead to. Presumably we will be working together to ensure that the rights of all parties are protected.

VIKING HOMES

Mr. Breithaupt: A question, Mr. Speaker, to the Minister of Labour following the questions of my leader yesterday with respect to the Marshall Children's Foundation and Viking Homes. The questions at that point were placed to the Minister of Community and Social Services (Mr. Taylor).

Following the response of the Minister of Community and Social Services that he has no particular responsibility with respect to The Employment Standards Act and the complaints of the staff in these homes, will the minister now proceed to step up inspection of these particular homes to avoid any

difficulties of staff exploitation which have been brought to our attention?

Hon. B. Stephenson: Mr. Speaker, under The Employment Standards Act regular inspections are not carried out. If an inspection is found to be necessary it is carried out as a result of a complaint.

I think the hon. member should know that the Ministry of Labour, in conjunction with social workers and other interested groups, those involved in child care, as a result of certain problems which have been raised this year has been having discussions about the specific employment standards which should apply to child care workers. This is a special problem area which is being examined in depth by the Ministry of Labour in the hope that we will be able to develop appropriate standards for child care workers which may not be identical to other workers because of the specific requirements of that job.

Mr. McClellan: A supplementary: Since the Ministry of Labour is examining this matter within the Resources Development field and I understand the other ministries within the Social Development policy field are also examining the same matter, apparently in isolation from the work that the minister is doing, would it not make sense for the two groups to get together not just to look at the question of child care standards but also at the other question of per diem fees for service, purchase contracts and fees?

Hon. B. Stephenson: The discussions are not being held in isolation. There is most certainly communication between the two groups and there will be interaction as well.
[10:30]

Mr. Breithaupt: I have a question of the Attorney General, again with respect to the Viking Homes situation. Has the Attorney General taken any additional steps to investigate the possible conflict of interest which may exist concerning the placing of children in Viking Homes after the court-ordered assessment has been attended to by Browndale, an organization which of course has financial and other ties to Viking?

Hon. Mr. McMurtry: As the House leader of the Liberal Party knows, the investigation into Browndale by the Ontario Provincial Police has been going on for many, many weeks. In view of the enormous volume of documents they now have in their possession, I can't indicate to the House when this investigation will have been completed and a

report made available to the ministers concerned. Until that has been done, I just don't wish to make any further comment at this time.

Mr. Breithaupt: When the Attorney General is prepared to make a comment, he might consider responding to the question as to whether an organization which does assessments should profit from the residential placement of the children it assesses? I would suggest that perhaps he might put his mind to that point as well in his response, if he would.

NOISE BARRIERS ON HIGHWAYS

Mr. di Santo: I have a question of the Minister of Transportation and Communications. The other day his colleague, the Minister of Education (Mr. Wells), announced that the government, giving in to the pressure from residents, is going to build a noise barrier on Highway 401 between Kipling Avenue and Dixon Road. I would like to ask the minister whether he would like to satisfy a similar request of the residents of Downsview and erect a noise barrier in the Downsview area, which has one of the worst conditions in the province?

Hon. Mr. Snow: We have been assessing all the locations within the province where there are noise problems. As I'm sure the hon. member knows, over the past few years several projects have been carried out trying to deal with the matter of traffic noise in residential areas bordering our major expressways. Some of these projects have been more successful than others.

We have decided within the ministry to proceed with two further experimental projects, one in the area just mentioned by the hon. member and one in the city of Ottawa adjoining the Queensway. Those projects are in the design stage now and will go ahead to construction, I expect this spring. We will be monitoring carefully the results of those projects and I expect looking at further projects that can be carried out in the future.

Mr. di Santo: Supplementary: How does the minister reconcile his position, expressed in a letter directed to me on September 30, where he said he had not reached any conclusion at all on the experiments his ministry is undertaking, with the statement of the Minister of Education, which says that experts now think they can build a barrier that in certain ideal areas will significantly lower traffic noise and that the privacy fence built

on Warden Avenue and Victoria Park has cut the noise by five decibels?

Further, will the minister announce a policy on noise reduction throughout the province or would he like me to join the Minister of Education, who said that he is going to press vigorously in order to get those barriers erected on Highway 401?

An hon. member: He's already got one in his riding.

Mr. Speaker: Order, please. I might point out that the last part was about the only question I could detect in that supplementary. The other was a debate. Please keep to questions and answers. Does the hon. minister have an answer to the last part?

Hon. Mr. Snow: Mr. Speaker, I don't see where there's any conflict between what I said to the hon. member in my letter to him, what I said to the Minister of Education (Mr. Wells) in my letter to him or what I've said here today.

Over the past number of years we have experimented with several different methods of traffic noise reduction in residential areas. The latest and probably the most successful experiment is the one in the Warden Avenue area and it has brought about quite considerable perceived benefits in that area. Before developing an overall policy to deal with highway noise, we are proceeding with two further experiments of a similar type. One is in the Dixon-Kipling area and one is in Ottawa, as I announced some weeks ago.

Mr. Singer: I wonder if the minister would give a commitment that, once something somewhat satisfactory is evolved, it will be used on the whole length of Highway 401 within the boundaries of Metropolitan Toronto, as has been requested for many years by the one-time member for Armourdale, who was a Minister of Transport, on one occasion by myself, and by the member for Yorkview (Mr. Young) and others. Anyone who has been affected by this has had the same problem, and it's not only the Minister of Education who should get preferential treatment for his constituents.

Hon. Mr. Snow: If I may deal with the last statement first, I don't think anyone can say that it's only the Minister of Education who's getting preferential treatment for his constituents.

Mr. Ruston: He's doing pretty well though.
Interjections.

Mr. Speaker: Order please.

Hon. Mr. Snow: For the record, of the two most recent projects announced, I understand one is in the riding of the member for York West (Mr. Leluk) and the other is in the riding of the member for Ottawa Centre (Mr. Cassidy)—

Mr. Breithaupt: Same old gang.

Hon. Mr. Snow: I think that says for itself that we're dealing with noise situations where we feel that the type of experiment that we are proceeding with has the best opportunity of being successful. I will not tell the hon. member for Wilson Heights (Mr. Singer) that we will build the noise barriers on both sides of Highway 401 from one side of Metropolitan Toronto to the other, for two reasons: First, I don't believe that Metropolitan Toronto is the only place in this province that deserves consideration like this.

Mr. Singer: It is the last place that should get consideration.

Hon. Mr. Snow: Second, I would say that within the bounds he has mentioned, many miles of that right of way do not have any residential development along the highway and we have no intention of putting up noise barriers in those areas.

We will be giving consideration to an overall programme where our experiments and research show that the expenditure of public money in the construction of those noise barriers will give benefit to those citizens. I will be coming forward later, I hope, with an overall programme for noise barriers under those circumstances.

Mr. Singer: Nobody remembers Gord Carton rode that hobby horse into cabinet. What is it that Gord Carton did in the cabinet that nobody ever put up sound barriers?

Mr. Speaker: A final supplementary.

Mr. Philip: Supplementary: I wonder whether the minister could advise us whether or not there are significant differences between the two experiments, the one in Ottawa and the one in Toronto, and can the minister assure us that these experiments are not merely duplications of experiments done elsewhere in North America?

Mr. Conway: Let's have a noise barrier for the member for Scarborough Centre (Mr. Drea).

Hon. Mr. Snow: Mr. Speaker, I don't quite understand the member's questions. I

can't say that it is not a duplication of some other project that has been carried out in North America, because I'm not aware at this moment of all the projects that might have been carried out in North America.

Although there may be some technical changes in the design of the barrier, it is somewhat of a duplication of the first experiment with this type of barrier, which was carried out in the Warden Avenue area. Before deciding on an overall policy, we wanted to do two more projects in different areas, one in Metropolitan Toronto and one in Ottawa.

STATUS OF HOSPITAL PHARMACISTS

Mr. Stong: Mr. Speaker, a question of the Minister of Labour: As a result of the decision of the Ontario Labour Relations Board, dated September 28, which requires hospital pharmacists to join a combined paramedical and technical bargaining unit what, if anything, does the minister intend to do to restore the independence and professional status of these pharmacists in Ontario?

Hon. B. Stephenson: Mr. Speaker, the hospital pharmacists are not the only group which has been affected by this decision of the Labour Relations Board. I am aware that there is some activity within certain professional groups who consider themselves inappropriate members of such units and they have the right of appeal to the Ontario Labour Relations Board for reconsideration of that ruling.

Mr. Stong: A supplementary: What is the ministry going to do to guarantee the pharmacists the right to choose their own bargaining unit separate from that of the technical staff in these hospitals?

Hon. B. Stephenson: I am sure the hon. member is aware that the function of the Labour Relations Board is to make decisions in this area based upon the information which it has. In such a function the board members exercise a semi- or quasi-judicial effect upon the situation. There is a right of appeal of that situation to the board and I would think that the professional groups, if they feel strongly about this, should use that mechanism.

USE OF FRENCH

Mr. Samis: Mr. Speaker, if I may, after yesterday's abortive burst of bilingualism, I would like to address a question to the Chairman of Cabinet.

Could he, as Chairman of Cabinet, explain to the Legislature how it is that 80 per cent of the letters sent by Mr. Lévesque in Ottawa were replied to in English? Why was that allowed to happen? What does the Chairman of Cabinet intend to do about that and will he answer this basic question—is it a right or a privilege for a franco-Ontarian to receive a letter of reply in French from this government?

Hon. Mr. Brunelle: Mr. Speaker, the letters my office receives in French are replied to in French and I know most ministries try to do the same.

Mr. Wildman: Is that government policy?

Mr. Samis: Since Mr. Lévesque has said that specifically letters to the Attorney General (Mr. McMurtry), the Minister of Culture and Recreation (Mr. Welch), other ministries and civil servants were not replied to in the language he sent the letters in, what is the Chairman of Cabinet going to do to ensure that franco-Ontarians do get correspondence in the language of their choice, and official language of this country?

Hon. Mr. Brunelle: I don't think I should be responding for other ministers. I think if the member has a specific question on that, he should ask the respective ministers.

Mr. Warner: Is it a policy of the government? He never answered.

Mr. Samis: All I am trying to find out, Mr. Speaker, is if the government has a set policy for all ministries that they reply in the language of the letter they receive?

Mr. Lewis: I will bet he says yes.

Hon. Mr. Brunelle: I guess the hon. member wasn't listening very carefully. I think I said earlier that every ministry does its best to try to reply—

Mr. MacDonald: Is it a policy?

Hon. Mr. Brunelle: I will admit there's room for improvement but I think there has been considerable progress.

Mr. Warner: You didn't answer the question. Is it government policy?

Mr. Speaker: Order, please. The hon. member for Rainy River.

ORGANIZED CRIME

Mr. Reid: Mr. Speaker, I have a question for the Solicitor General and Provincial Sec-

retary for Justice in regard to organized crime: Is the minister aware of the article in the November issue of *Quest* magazine entitled "Is the Mafia making us all an offer we can't refuse?" Has he read the article? Does he agree with the thesis of the article that publicity is the worst enemy of organized crime in the province of Ontario and can he give the House an up to date report on how the OPP and others in the province are battling organized crime in the province?

Hon. Mr. MacBeth: Yes, I did see the article. I am glad the member reminded me what the thesis was because it had not made that great an impression upon me. In any event this matter of organized crime continues to be a problem for the police. Yesterday we had an unfortunate—

[10:45]

Mr. Reid: That's a brilliant statement.

Mr. Conway: You aren't kidding. That is—

Hon. Mr. MacBeth: All crime is the continuing problem of the police. That's what the police are there for. To say there is not some degree of organized crime would be overlooking the truth and the facts.

Yesterday in this House we had an unfortunate incident in connection with electronic surveillance. It so happens that electronic surveillance is one of the most effective weapons the police have yet encountered or have access to to help counteract organized crime. I am not now referring to the matter of the Turner case but, as a result of electronic surveillance, the police of this province—and indeed of this country—have recently had some very great success in getting convictions where previously it was difficult to do so.

I can't tell the member more than that. Of course I want to see the police given all reasonable freedom to use this equipment. Certainly there is an ethical problem in dealing with it and great difficulties, which I recognize and certainly which the Attorney General recognizes. They were enlarged upon yesterday afternoon. But, generally speaking, it is through electronic equipment that we are able to get the convictions that we have in recent months. I hope nothing will be done unduly to curtail that. That is mainly the field in which we are operating.

Mr. Reid: Supplementary: I fail to understand why the government for years has seemed to downplay the role of organized

crime in the province, when all the literature that we see in the newspapers and magazines indicated that it's a growing threat in the province. Would the Solicitor General consider a public inquiry, such as was held in Quebec, which seemed to expose some of the ringleaders of organized crime and put some of them in jail, at least for contempt of court if nothing else? Will he consider doing something like that and will he indicate to the House whether he considers this a serious problem in the province of Ontario or if he feels that it's not high on the list of priorities of the OPP?

Hon. Mr. MacBeth: It's very high on the list of priorities of the OPP and it is a serious problem. I haven't tried to grade them as to order of magnitude as to which the greatest problems are. But again that is why the OPP was so upset by some of the charges that were recently made in their use of this electronic equipment. All I can say is that we will continue to do our best.

The member asks me questions about whether we would consider a royal commission. I think it would do more harm than good. The police know whom they are looking for. Their problem is to get the evidence.

When I say "whom they are looking for," they know who is behind a great many of these so-called organized crime organizations. Their problem is in acquiring sufficient evidence to get convictions. I say recently they have obtained convictions of some of the better known or more prominent leaders in the field. We will continue to do our best. I don't know all the details of their operations in connection with their tactics in trying to track down organized crime. I think it is just as well I don't know all of their police procedures. In any event, I am sure they are doing everything possible.

Mr. Reid: I really am concerned about this. Does the minister not agree that publicity is probably one of the most effective weapons in dealing with that particular problem? Will he consider a royal commission? Will he consider doing something about the loan-sharking business which seems to be one of the largest money makers for organized crime in the province?

Hon. Mr. MacBeth: As I said, we have already considered what we can do and we have rejected the thought of any public inquiry. When I say "we," I have talked to the police in connection with this matter and they don't think — I'm not suggesting that

cabinet has had any discussion on this—that that kind of information is going to help. Generally speaking, to be able to publicize the names of the people who are engaged in this does help, but again one has to be very careful to have the evidence to warrant publication.

Mr. Speaker: The hon. Minister of Transportation and Communications has the answer to a question asked previously.

SHABAQUA CORNERS-THUNDER BAY ROUTE

Hon. Mr. Snow: Mr. Speaker, on Wednesday, November 10, I responded to a question from the member for Fort William (Mr. Angus) in connection with the selection of a route of the proposed four-lane highway from Shabaqua Corners to Thunder Bay, and to the member's suggestion that ministry staff were misleading the press.

I would like to confirm that the member's information is quite inaccurate. During the process of any route planning study, it becomes quite obvious that some of the routes being studied enjoy advantages over others. However, the final selection of a route is not made until all public and municipal input has been received and considered. I might add, Mr. Speaker, that the final route selection is made in my office and not by the ministry staff.

In the particular instance mentioned by the member for Fort William the ministry project team were asked, and responded to a request, by the municipal representatives as to whether they had a personal opinion or preference. The request by ministry staff for a resolution by the municipality was to support the route selected by the municipality, which was not necessarily the route that may have been the personal preference of the project team.

SUNDAY SHOPPING

Mr. Mackenzie: A question to the Solicitor General: Inasmuch as it's almost a year since we passed the Sunday closing legislation, I'm wondering if the minister will give this House some indication as to whether or not he intends to tighten up some of the provisions in the law, since many stores—the IGA chain in Hamilton is the latest one—through the use of partitions, are abusing the law that we've passed, leading to a fair amount of cynicism from some of the smaller merchants?

Hon. Mr. MacBeth: Mr. Speaker, I realize that in the metropolitan Hamilton area particularly there do seem to be many large stores that are operating by way of cutting down their space in some temporary way. It is a problem there and in various other areas of the province as well.

I have said repeatedly that I'd like to see this statute in existence for one year before we propose any changes to it. That year will be up, as the hon. member knows, in about a month and a half. Early in the new year we will look at the results we've had across the province. We have had a number of complaints—and I've had a number of letters from both sides of the House—some wanting tightening up in certain areas and some wanting more leeway. The hon. member is suggesting tightening up, but there are also two or three areas where people are suggesting it should be widened.

We'll take all of these suggestions into consideration early in the new year and, if we think action is warranted, I'll be recommending that to the cabinet.

CHILDREN'S AID SOCIETY DISPUTE

Mr. O'Neil: Mr. Speaker, I have a question of the Minister of Community and Social Services (Mr. Taylor). Can the minister advise me if he is aware of the contentious situation involving the managerial personnel of the Children's Aid Society of the city of Belleville, county of Hastings and the town of Trenton and the Federation of Community Agency Staffs, Local 21, Hastings county, the latter having expressed, by vote, no confidence in the managerial personnel of the former? And can he advise me what action is planned to rectify this situation in the interest of the children who are caught in the middle of this issue?

Hon. Mr. Taylor: Yes, Mr. Speaker, I'm aware of an apparent problem. I've had some communication on it as has, no doubt, the member for Quinte (Mr. O'Neil). My staff is looking into the matter.

Mr. O'Neil: Supplementary: Could the minister tell me whether he plans to initiate a ministerial investigation or whether it will take a hearing before a judge to settle the problem?

Hon. Mr. Taylor: First, it is necessary to determine the problem. I have some information in regard to its source; however, I want to isolate and determine what the problem is before I suggest any course of action.

WAWA SENIOR CITIZEN FACILITIES

Mr. Wildman: I have a question of the Minister of Community and Social Services. Has the minister made a decision on my request that he meet with me and representatives of the community services committee and of the senior citizens of Wawa to discuss the need for residential care in northern Algoma?

Hon. Mr. Taylor: If the member is asking whether I will meet with him, certainly I'm always available to meet with everyone within the constraints of the day, of course. I'm always happy to meet people.

An hon. member: Always happy.

Mr. Wildman: A supplementary: Could the minister tell me what reaction he would have to suggestions made to the Minister of Housing (Mr. Rhodes) on CJIC radio this morning that the reason there is a residential care facility in Elliot Lake and not in Wawa is related to the fact that the member for Algoma-Manitoulin (Mr. Lane) is a member of the Conservative Party while Algoma is represented by a member of the opposition?

Interjections.

Mr. Speaker: Order.

Mr. Conway: Lorne, did you hear that?

Hon. Mr. Taylor: That's a shocking statement and there's absolutely no veracity to it.

AMBULANCE SERVICES

Mr. Mancini: I have a question to the Minister of Health. In view of the fact that for the past week I've been trying to arrange a meeting between either the Minister of Health or his parliamentary assistant (Mr. Wiseman) and representatives from the Gerald R. Smith Ambulance Service and elected officials from my riding, I would like to ask the minister why he has told me to meet with his parliamentary assistant and his parliamentary assistant has told me to meet with the regional directors when we know that the policy comes right from his office? He is aware that this is very urgent and we have to meet with him before Christmas. Why will he not meet with these people from my riding?

Hon. F. S. Miller: I suppose I've been a pretty accessible minister and I think people who have asked to see me have found that

in the past. There's a big difference between policy and administration. I am told the particular ambulance group we're talking about has been asked in writing to take their problems to the regional manager and discuss them. They have refused to do that and I'm told that in the past they've refused to do it.

We simply say that these are administrative details which we'd like to have at least one round at. If they do it once, we'll see them if there's still an outstanding problem but I can't get into the middle of administration. Until the hon. member learns the difference between a minister's policy-making function and a deputy minister's administrative function, I don't know that he'll understand that.

Mr. Mancini: I have a supplementary. I'm sorry the minister feels that way but I don't think he knows all the facts. In view of the fact that I've already brought this to the attention of the district health council and in view of the fact that they've told me and the ambulance service that they can't make any statements until at least April or May—by then it will be too late because they will have already had their cutbacks and they'll be out of business—why won't the minister meet with these people and state his policy to them because he's going to put them out of business?

Mr. Speaker: Order, please. The question has been asked.

Hon. F. S. Miller: Mr. Speaker, they have every right to argue, as any budget process has, through channels. Let them do that because I can't assess their argument versus my staff's until there's been some internal discussion about the fairness of levels of staffing and the rates of pay. Those kinds of discussions need to be carried out properly and then my parliamentary assistant will, I am sure, be glad to iron out any policy matters which are left.

Mr. Mancini: Mr. Speaker, one more supplementary. In view of the fact that the minister has already authorized his cutback for December 31 or January 1, we cannot wait—

Mr. Speaker: Your question please.

Mr. Mancini: Yes, Mr. Speaker. Is the minister aware that we can't wait and is the minister aware that he is the only one who can authorize these cutbacks not to take place?

Hon. F. S. Miller: I'm not the only one to do that. My staff have that authority. They are working with the budget, within the

dollars allotted to them by this Legislature, and if they have to make adjustments they may; that's the proper place.

Mr. Mancini: Why won't the minister meet with them?

Hon. F. S. Miller: Simply because the member's man refuses to come in the proper way and do it the proper way—

Mr. Mancini: It's not true.

Hon. F. S. Miller: —and I'm not going to have an end run.

Mr. Mancini: On a point of personal privilege, Mr. Speaker.

Mr. Speaker: Order, please. That was the final supplementary.

Mr. Mancini: On a point of personal privilege, Mr. Speaker.

Mr. Speaker: A point of personal privilege?

Mr. Mancini: Mr. Speaker, it is not true that these people do not want to co-operate with the ministry and go through all the proper channels. We've already met with the district health council.

Mr. Speaker: Order, please. That's not really a point of personal privilege.

Mr. Mancini: What? I just want to explain to the members of the House—

Mr. Speaker: I understand the frustration of the member.

Mr. Mancini: —that these people have tried to go through the proper channels—

Mr. Speaker: Thank you. We're debating now. The hon. member for Wentworth.

Mr. Mancini: —and it's just not fair that the minister will not meet with them.

Mr. Speaker: Order. Order.

Mr. Mancini: It is his job to meet with the people.

Mr. Speaker: Order, please.

Some hon. members: Throw him out.

Mr. Speaker: Order, please. The hon. member for Wenworth has the floor for a question.

Interjection.

HAMILTON HEALTH CARE FACILITY

Mr. Deans: I have a question for the Minister of Health.

Interjection.

[11:00]

Mr. Deans: I still have a question for the Minister of Health.

Thank you. It's okay. Can I assume he can recall having made a commitment as the Minister of Health for the building of a health care facility to service the needs of the east end of the city of Hamilton?

Hon. F. S. Miller: Yes.

Mr. Deans: Thank you. Then could I ask the minister, since it has been two years since he made the commitment, whether he might sit down with the health council and make it clear to them that this is a priority matter and that it should be proceeded with forthwith?

Hon. F. S. Miller: The member has used the word "building" and I think the key word was provision.

Mr. Deans: I said—

Hon. F. S. Miller: I have talked to the health council in that area, frankly within the last month. I quite agree with the member and I am very anxious to see it done. I am still trying to use them in their relatively new reorganization in a way that will effect the proper changes in Hamilton.

They have made some suggestions and we are looking at them very carefully. Some we've accepted and some we haven't as yet reacted to. Specifically for that section, I can't recall that they have solved it for me yet.

Mr. Speaker: The oral question period has expired.

Petitions.

Presenting reports.

REPORT

Mr. McNeil from the standing resources development committee reported the following resolution:

Resolved: That supply in the following amounts to defray the expenses of the Ministry of Energy be granted to Her Majesty for the fiscal year ending March 13, 1977:

Ministry of Energy

Ministry administration programme	\$ 505,000
Energy policy programme	2,200,000
Ontario Energy Board programme	1,192,000
Ontario Energy Corporation	327,000

Mr. Speaker: Motions.

Introduction of bills.

Hon. Mr. Welch: Before the orders of the day, may I take this point in the proceedings to indicate the programme for next week. In addition to the committee work which is in hand, on Monday we will proceed with Bills 140, 141 and 85. At 5 o'clock it's private members' hour and we are doing Bill 142, standing, I understand, in the name of the member for Sarnia (Mr. Bullbrook). We are not in session Monday evening.

On Tuesday we will have a statement from the Treasurer (Mr. McKeough); we will then continue with the Attorney General's (Mr. McMurtry) legislation, if necessary, and when we have completed that legislation we will start with Bill 131. We go on on Tuesday evening.

Wednesday is committee day. On Thursday I assume we will be carrying on with Bill 131. If we were likely to finish that bill before 10:30 p.m. on Thursday, then we would indicate some time that afternoon what the evening programme would be. Then on Friday we have budget debate.

Mr. Speaker: Orders of the day.

BUDGET DEBATE

(continued)

Resumption of the adjourned debate on the motion that this House approves in general the budgetary policy of the government.

Mr. Stong: In rising to speak at this time in the House, I might indicate that during the past summer I had occasion to visit several penal institutions throughout Ontario in my capacity as critic for the Liberal Party of Ontario on Correctional Institutions. I found my visits there very enlightening, if not very interesting.

There is a situation throughout the world, and no less important in Ontario and in Canada, involving the young juvenile offender. I would like to devote some time this morning speaking about the apprehension, the detection and the control of crime, and the use of our penal institutions in so doing.

On February 1, 1973, Mr. Speaker, Rene Vaillancourt gunned down Constable Leslie Maitland on a Toronto street. At his trial, psychiatrists and psychologists for the defence testified that Vaillancourt was not breathing when he was born and, as a result, suffered brain damage. They call the condition minimal brain dysfunction.

Mr. Acting Speaker: Order, please. I wonder if the hon. members would extend courtesy to the hon. member who is speaking. There is altogether too much noise in the chamber.

Mr. Stong: Thank you, Mr. Speaker. The jury at that trial found that the testimony of one Dr. Joseph Marotta was more believable. His evidence, as a neurologist at St. Michael's Hospital here in Toronto, was that he performed a neurological examination and found no evidence of abnormality. Vaillancourt was sentenced to be hanged and is presently waiting in the segregation cell at the Toronto jail for that sentence to be carried out. It is alleged by the neurologist that that particular person, now sentenced to hang, suffered from minimal brain dysfunction, a term which I will use interchangeably with what is known as a learning disability.

As a result of studies I've conducted throughout the summer with the Association for Children with Learning Disabilities, it has been brought to my attention that at least one child in 10 in our schools throughout Ontario suffers from MBD, or minimal brain dysfunction, and it is imperative that the situation be corrected and be met with early detection.

Once a child enters the school the term "learning disability" comes into play—usually not before, because parents themselves are not adequately prepared to recognize this type of disability in a child.

Much study has been done in the United States of America on this particular issue dating back as far as 1930, but it is relatively new to Canada. Children with learning disabilities exhibit a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language. These may be manifested in disorders of listening, thinking, speaking, reading, writing and spelling, or in simple arithmetic. They are usually manifested in a combined physical and mental situation. A child suffering from a minimal brain dysfunction may have 20-20 vision, but not see the letters in the proper order. The letters may appear to him to be upside down, reversed, on an angle. His vision may be perfect but his comprehen-

sion may not be. A child may have perfect hearing, but because of the situation of his birth the strong side of his brain, being the right hand side, may not be the strong side for hearing and a minimal brain dysfunction develops and the child suffers what is known as "a learning disability," a real disability which can be corrected.

Further studies in the United States of America on children who are confined in penal institutions, in homes for young offenders, indicate that 90 per cent of those children suffer from a learning disability of some nature or another. This type of study has never been done in Canada, but it is beginning through the Association for Children with Learning Disabilities.

One author in the United States, who has done a very comprehensive review of the causes of psychopathy, argues effectively against the theories in this regard of heredity. He is arguing, and he argues convincingly, in favour of a neuro-social theory, which combines the neurological approach with the environmental. He says that because all psychopaths have been at least mildly rejected, rejection seems to be a prerequisite in the development of the learning disability syndrome, but he goes on to say that not all rejected children necessarily suffer from a learning disability.

"The evidence of a neural defect in some psychopaths warrants the conclusion in that brain damage plays a causative role. Neural malfunction seems to be the catalyst which in some cases turns a rejected child into a psychopath." The author goes on to say that the neurological theory alone is not the basis upon which the studies in the United States have been compiled. They go on to consider the environment of the children and look beyond such physical medical evidence as epilepsy to include such things as motor awkwardness, visual motor disturbance and deficiency and delay in speech development.

During consideration of the estimates of the Ministry of Correctional Services as well as those of the Ministry of the Attorney General and the Ministry of the Solicitor General, I had occasion to refer to the fact that—and I have asked questions of the Minister of Education (Mr. Wells) about this in the House—that our educational system is lacking in the early detection and the subsequent follow-up and handling of the situation of learning disability, no matter in what area that disability evolves.

I had occasion last October to speak to the guards of our correctional institutions at a hotel in Toronto. At that time I asked them how they regarded themselves as being prepared and equipped to deal with the situation of learning disability among the inmates of our penal institutions. The teachers in the correctional institutions, and more specifically the teachers at that particular meeting, indicated that they recognized no problem and that they were well equipped as teachers. They were on the defensive and had read my remarks as being an attack upon them in their professional capacity. Far from attacking any teacher in this professional capacity, I say that the system for detection and subsequent follow-up in Ontario is wholly inadequate, and our penal institutions are no more an example of that than our ordinary school boards and our ordinary classrooms.

The situation of learning disability and its early detection is paramount, and it is essential that we recognize that the disturbed behaviour seen in the clinic is not due to brain damage as such. One of the problems with respect to the problem of learning disability is that it's related to emotional upsets or mental retardation, but the two are entirely different. Learning disabilities per se are not mental or emotional problems; they are real physical problems that can be corrected.

Our system in Ontario is so weak in this regard that parents who are seeking help for their children must look to the United States, to the Gow school and to the Pine Ridge school; and they must go through the vocational branch of the Ministry of Community and Social Services of our own government for financial assistance, but it is very difficult to obtain because of the prerequisites that particular ministry requires.

Learning disability in a child must be detected very early in this pattern so that the situation can be corrected. If it is detected early enough, correction can be done very rapidly and a child can then proceed through school, learning at a normal rate. Many of these children are above average in intelligence—they are not below average—and throughout the school system, when the situation has not been met and is not being remedied, they become frustrated. They are passed on socially with the other members of their class and it turns out that they cannot read, they cannot write and they cannot spell, much less do arithmetic; and then they come to their rope's end, because they

are intelligent and, as I indicated, they are above average intelligence.

[11:15]

In their complete frustration throughout the system, the statistics seem to indicate that they then turn to crime. As I indicated earlier, 90 per cent of those in penal institutions in the United States suffer from some type of learning disability. The same author to whom I referred earlier and to whom I will refer now, writes that the review of social psychological theory on lack of identification with respect to this problem of learning disabilities is such that most social theorists believe that without identification no child can evolve a mature conscience.

"One theory is that the child internalizes his parents' values because he fears the loss of their love. When his parents have no love to offer the child does not fear its withdrawal. The unloved child becomes the unsocialized adult because he was not rewarded with affection. Physical punishment may bring temporary obedience but when the threat of punishment no longer exists, no residue of conscience remains." This is from a study in the United States studying this very problem.

This is not to suggest that the majority of parents of minimally brain dysfunctional children do not love them but only that the many unpleasant confrontations which occur between parents and children with learning disabilities certainly could be interpreted by the child as lack of love, with its consequent effect on identification.

In the parent-child relationship, especially as it pertains to deviant behaviour, the role of ambivalence would seem to be an important variable.

Another author, Birch, writing in the United States has made the following observation: "Such technical descriptions as catastrophic behaviour, perceptual impairment, perseveration, disinhibition, short attention span, exogenous behaviour contagion, learning disabilities, Strauss syndrome, neurological impairment and hyperactivity are translated by the outside world as spoiled, bad-mannered, ill-behaved, badly brought up, undisciplined, obnoxious and, in some occasions, mentally retarded."

The situation goes on. Authors have continued their research but it should be noted that the neurologist who examined Rene Vaillancourt did so strictly within the confines of his own speciality, which was to look for positive neurological signs—tremors, abnormal EEG, absence of or exaggerated reflexes—

rather than those significant signs of learning disabilities which the authorities in the United States know most about and are able to identify.

The difficulty, of course, does not lie solely at the doorstep of our educational system or our penal institutions. Much of the difficulty lies in the fact that parents of children with learning disabilities do not recognize the situation themselves. It becomes incumbent upon the system that a child be diagnosed early and be diagnosed properly so that he may be able to function properly and meet his handicap through his entire educational process.

If we go on with some of the material from the United States—I must say I've done thorough research in this area not only because it has been interesting but it is vitally important—there is no material in Canada on this issue, our research is very young in nature. The Association for Children with Learning Disabilities is doing a magnificent job but the fact of the matter is our children, our young offenders, incarcerated in our penal institutions, are nonetheless affected, are nonetheless frustrated and nonetheless require this specific help which is lacking.

The authors, again in the United States, have gone on and dealt with the impact of the family relationship with children of learning disabilities. One author named Berkowitz, writing in 1964, said: "A child's home life plays a major role in his choice of friends. If his family is bound together by ties of affection, it becomes a bulwark against anti-social influences. Family cohesiveness counters delinquent neighbourhood and peer influences in at least three ways.

"For one, home life can determine the extent to which the boy becomes attracted to aggressively anti-social activities outside the home. Those youngsters not exposed to frequent severe frustrations in their families probably do not have strong aggressive urges and so they are not drawn to groups encouraging the expression of hostility [and criminality]. Nor are they overinterested in obtaining adventurous, if not reckless, outlets for their emotional tensions. Delinquent activities have little attraction for them. In addition, a secure emotionally satisfying family life probably facilitates the development of law-abiding self-concepts."

This author goes on to say that children, whose parental attachment is strong, receive those values and carry those values into their life. Delinquent acts result, he says, when an individual's bond to society is weak or broken. He points out that findings abound in delin-

quent research to support the fact that delinquents are less likely than non-delinquents to be closely tied to their parents. He also cites other works as evidence that a child alienated from his parents will not learn or will have no feeling for moral rules. He will not develop an adequate conscience or super-ego; but if the child is rejected by his parents, he will usually become rebellious, aggressive and insecure, that is a criminal.

He is quick to point out that not all children with minimal brain dysfunction will become criminals. There are many important intervening variables pertinent to rejection. The extent to which the child's aberrant behaviour fosters this rejection process and the extent to which parents are able to submerge their own feelings for the benefit of their child are very important considerations.

The author goes on to say that the degree of severity of a child's disability is an important variable in respect of criminal behaviour. The greater the handicap the more visible it becomes, and therefore the more sympathy and understanding precipitated. It could be that the bright, alert demeanour of the lesser affected child would foster greater expectations for normal behaviour and thereby increase rejection when he fails to produce as expected. Yet the same author continues that we recognize that the child has brain damage and we are sorry, but when this acting out becomes intolerable in the community he will be arrested, and if necessary rearrested, confined in juvenile homes and perhaps committed to the training school.

It is not that all children with minimal brain dysfunction become criminals, but the statistics are horrendous that the children confined to training schools in the United States do suffer from some sort of a learning disability. Since 1930 the United States have been working on this problem and Canada is far, far behind.

I had occasion throughout the summer, as I indicated earlier, to visit six institutions involving training schools. I was impressed, when I arrived at the institutions, with the individuals assigned to me to give me a tour. In the first two institutions I attended, the children who conducted the tour seemed to me to be on the staff; they were so conversant with the situation and aware of where they were.

I asked, on the first occasion, about the youngster's involvement in crime and I wanted to know why he was there. I was interested. I thought perhaps the authorities had pulled a fast one on me and had given me someone who was going to be discharged very soon

and, in light of that, was able to exhibit the behaviour, the concern and the interest that this child did exhibit.

I learned very quickly that this child was from a broken home. I learned that this child did not know his father. I learned as well that he had been living on the street from hand to mouth, faring for himself and that the training school he attended was the first place where anyone had taken an interest in him, a personal interest. That does not speak very highly for society but it certainly did assist this child.

I learned as well that this child had never passed out of grade 3 and the child was 15 years of age. His problem had never been diagnosed. He did not know why he could not learn. He had been passed on with his peers, his friends off the street in his community, his neighbourhood, but at that stage he did not know how to write. He was following a technical course in the training school and doing very well. When he was able to go back into the community and into society he had hopes and expectations that what he had learned in a technical sense in a training school in Ontario he would be able to carry out into society and become a useful citizen. He was still reading only at a grade 3 level, a grade out of which he had never passed.

I will not take up too much more of the time of the House on this issue but it has become very evident to me in my study and in my contacts with the Association for Children with Learning Disabilities and with the various ministries that this situation must be remedied and must be remedied very quickly. It is incumbent upon the government of Ontario to be aware of the situation, and to offer the facilities to meet this urgent need.

In conclusion, other studies I would like to refer to again emanate from France and the United States. In dealing with this problem of learning disabilities an author looking at young offenders in France found 75 per cent of them to be non-readers. Another author in the United States found that 53 per cent of the delinquent population at the Robert F. Kennedy Youth Centre had more than one specific learning disability.

These authors concur and say, "Children with MBD, minimal brain dysfunction, who are not treated will develop severe emotional difficulties by the time they reach adolescence and without appropriate treatment they will spend much of their later lives in institutions for the mentally retarded or mentally ill or in jail, none of which is appropriate."

These authors then mention a study following up on 18 children who had been diag-

nosed at the Johns Hopkins child psychiatric outpatient clinic but who had not received any special education. They found that 20 years later most of them had fulfilled what both authors had indicated; 72 per cent of them were or had been in jail or in homes for the retarded or mental hospitals.

[11:30]

Kiwanis International in the United States sponsor learning disability programmes and have compiled a publication which they entitled *The Younger Years*. In it, they state that separate studies in three American states indicate that 80 to 90 per cent of juvenile delinquents committed to correctional institutions have clinically-proven learning disabilities. In a recent issue of *The Post* magazine, the national newsletter of the Association for Children with Learning Disabilities in the United States, the following quote is found:

"Between 80 and 90 per cent of juvenile delinquents in five states were found to have specific learning disabilities. Dr. Chester Poremba, chief psychologist at Children's Hospital in Denver, who also has many years' experience as chief psychologist for Denver's juvenile court, states: 'Learning disabled children involved in crime have average or above average intelligence. Their loser self-image is reinforced by academic failure. The child is attracted to others like him and joins a subculture in which certain behaviours are rewarded. Kids who are succeeding in school have no need to become delinquent and so they don't. Lack of early identification and treatment of learning disabilities combined with the rigidity of the school system combine to give many learning disabled children their loser self-image.'"

The New York Times recently ran a series of articles on what they termed dyslexia, which is another word for learning disability. The following is a quotation from that article:

"Some of the most disturbing statistics about dyslexia were officially reported to the United States Secretary of Health, Education and Welfare in 1970 by a special national advisory committee of 21 experts. The group found a shocking correlation between dyslexia and juvenile delinquency—an estimated 75 per cent of the nation's delinquents are reading retarded by at least two years.

"The study went on to review figures on all convicted criminals incarcerated by the federal bureau of prisons and found dyslexia four times more common among prisoners than among the general population. The prisoners had a non-verbal IQ of 102, but

had reached an educational level of only a fraction of a year beyond grade seven."

Those articles and that research that I have done proves one thing to me and that is that we are sorely lacking in adequate facilities to deal with this most important and immediate problem. I've asked the Minister of Education (Mr. Wells), I've asked the Minister of Correctional Services (Mr. J. R. Smith), I've asked the Solicitor General (Mr. MacBeth) about this very problem, and I am not surprised that no one seems to understand what the problem really is. When I speak about learning disabilities the conversation is immediately relegated to mental retardation, and that is the farthest thing from the truth. Until we as legislators, until we as concerned leaders in this government begin to take an interest in this particular and most important problem, we will not meet the solution, we will not be able to handle, or treat, or deal effectively with young offenders who find themselves going through our court system and ultimately in the training schools. We must act now to begin to remedy this particular situation and this aspect of youthful and juvenile crime.

Thank you very much, Mr. Speaker.

Mr. Acting Speaker: The hon. member for Scarborough Centre.

Mr. Drea: Thank you, Mr. Speaker. As is customary in replies to the budget, congratulations are usually in order for those now sitting in your chair.

Mr. Swart: It's not in order but you will make them.

Mr. Drea: I beg your pardon?

Mr. Acting Speaker: Order please. The hon. member will continue.

Mr. Drea: Mr. Speaker, it is usually customary to award some congratulations or some accolades to those who sit in the chair. Today, following the lead set some sessions ago by the member for Lakeshore (Mr. Lawlor), I would like to offer my congratulations to our new Sergeant at Arms.

I think that perhaps the Sergeant at Arms in this chamber has the most difficult of duties. Speakers are quite often relieved of their responsibility and do get a break but unfortunately, particularly in this chamber, the Sergeant at Arms, even if he is not in the chamber, is constantly at the ready. I regret somewhat that he has had to exercise the first unpleasant function of his duty but I am sure that in the sessions ahead he will emulate the tradition set by the last two

gentlemen to hold the post of Sergeant at Arms for this chamber, both of whom I knew.

It is also customary, in addresses of this kind to say something about one's riding or one's locale. I realize over the years that function has pretty well been relegated to those who come from smaller communities or from the rural areas but I have tried to keep it up because I think a member should draw to the attention of the House some of the significant and important things which are happening at the local level.

It pleases me, in this address to point out that because of and with the help of substantial contributions from this government—both from Wintario and from the Ministry of Community and Social Services—it will be possible for the parks and recreation department of the borough of Scarborough to open an expansion of the Birkdale Community Centre for senior citizens in the middle of December.

There is an awareness throughout the borough of Scarborough that because of our size and because of certain demographic trends and ever-increasing segment of our population fits into the sphere of senior citizens. I am sure that the expanded facilities at the Birkdale Centre for all senior citizens in Scarborough will not only be appreciated by those who now participate in activities there but will also begin to meet the growing needs of the future.

It is particularly impressive at this time that at the dedication there probably will be the last official or semi-official act of a very distinguished municipal servant, Mr. Jack Kay. Mr. Kay for many years has been the director of parks and recreation and I think he has set a standard which might well be emulated across the province. I think sometimes in the field of recreation and parks too much emphasis is placed upon facilities for the young, not just pre-adolescent children or teenagers but young adults and young families.

It's been particularly impressive during Mr. Kay's tenure that as much attention has been focused on recreational facilities and recreational opportunities for the older segment of our society, both outdoor and indoor, in some of the more leisurely recreation activities and some of the more intellectually stimulating recreation activities. Certainly he was a pioneer in that particular area of recreation in this province and certainly the dedication of the Birkdale Community Centre, which coincides with his retirement year,

I think is a significant termination to a professional career.

First of all today I want to deal with a subject which troubles me a great deal. I think we might almost call it consumer beware. I'm talking about a certain situation which has developed in the prefabricated summer cottage industry, particularly involving two constituents of mine in Scarborough. It is a situation where they went forward in good faith and put down approximately \$17,000 in cash over a relatively brief period of time; those payments were to buy a lot, to buy the prefabricated materials for the cottage and to pay for the erection of the cottage. It is more than a year since these people entered into their first contract, which was June 4, 1975. They have no cottage, no materials and no land. They cannot find out who is responsible for taking off with the \$17,000. Their only relief so far is that they have put a caution on the transfer of a deed which doesn't involve them, and they are getting remarkably little satisfaction from what is the largest company in the prefabricated cottage industry, which is Viceroy.

It is particularly significant, as I outline this case and another one, to emphasize that these people did everything right. They had a solicitor all the way. They checked the contracts all the way. If there was any lack of diligence on their part it was that they couldn't visit the actual construction site because of an illness in the family for a prolonged period of time. But on matters within their control, they went to great lengths to follow the advice of the professionals and to do everything right.

At the end of it, as I say, they have no land, no cottage, no sympathy—just a lot of excuses. They face the prospect that following the traditional route, in trying a civil suit, may well be as complicated as some of the cases that have wound up in the Supreme Court of Canada, which is not a very effective solution for people who merely wanted to use their savings to build, not only a summer cottage but a retirement home.

In the spring of 1975, this couple decided to buy a cottage. They saw an advertisement in a newspaper. It really wouldn't have mattered if the advertisement hadn't been in the newspaper; you can pick up brochures like this from Viceroy at the Canadian National Exhibition, probably at the Sportsmen's Show, and a great number of places. These documents virtually flood the Metropolitan area prior to the cottage season every year. They advertise the great and glorious

recreational activities that one may have in certain areas of Ontario if one buys land from the company and erects one of a great many varieties of cottages that are prefabricated.

When these people saw the advertisement, once again they did it right. They went up to the Muskoka area and looked at the land. They met a salesman there, a gentleman by the name of Michael Pickering. After discussing the matters with Mr. Pickering, who incidentally told them he was a salesman for Viceroy, and after looking at cottage plans, prices and what have you, they decided to sign a document, which I have here. It is called, "Viceroy Construction Company Limited agreement to purchase and sale." We shall return to that particular document, because now there is an argument whether indeed that document ever existed. None the less, they signed it.

The purchase contract was for \$14,951.23; it involved lot 181920 in concession six of the district of Muskoka, registered plan number 579. That was on June 4, 1975.

[11:45]

On July 1, not even a month later, they signed another contract. You will recall Mr. Pickering told them up there that he was a salesman for Viceroy. Mr. Pickering arrives down in Scarborough and there is a new agreement of purchase and sale for the same property, the same lot, the same registered plan. This time it was for \$17,465.20 and it was with another company called Allview Developments. The explanation for the difference in the amount of payment was that that was the erection fee for the prefabricated materials. Allview Developments was going to be the actual erector of the cottage. Therefore, they were assuming the entire contract because they were going to purchase the land from a company with very closely knit ties to Viceroy, that company being Fleetwood Construction Company Limited, the actual owners of the land. On the surface, this would appear to be a very normal transaction. The erector was going to take the money, he was going to take his fee, he was going to pay for the prefabricated materials, he was going to purchase the land from the cousin company of Viceroy and he would then arrange for the transfer and the registry of the deed back to this couple. They signed, and a week later they made out a cheque for \$11,010 to Allview Developments. By the end of July they made out another cheque for \$2,200.50 to a Mr. Robert Widdop of Robert Widdop Associates Limited. Mr. Widdop shortly, if he isn't now, is going to be officially a fugitive from justice.

As I said, they went along in good faith. They had a lawyer. Then there was a family illness so they didn't actually go up to see the erection of their dream cottage. But they did go the following spring and they couldn't find a dream cottage. They couldn't even find the materials. They didn't seem to be able to find anything. First, they went to Viceroy and said: "Where is our cottage?" Viceroy, in effect, told them: "Don't talk to us. Go and find Allview or Mr. Robert Widdop." When they went to find Mr. Robert Widdop, he had certainly left a trail behind. As these things are known in the trade, he had literally papered the area. In other words, he had taken off and left behind nothing but a series of worthless cheques.

They went back to Viceroy. After all, they had a sales contract from them and surely there's an agency relationship. Surely something can be done about it. But lo and behold, Viceroy points out to them that this contract, the original one, the one of June 4, 1975, calling for \$14,951.23, including all these guarantees about the lot and so on, was never signed by Viceroy. They don't know how Mr. Pickering ever would get such a thing. Mr. Pickering had worked for them a couple of weeks in the year before as a commission salesman. Somehow when these people came up there Mr. Michael Pickering had said: "I work for Viceroy and here's the Viceroy agreement." Viceroy said: "Oh no, he is now with Allview and you had better go and find Allview Developments or Mr. Robert Widdop, or indeed Mr. Michael Pickering, and find out why they would give you this from Viceroy."

These people were obviously perplexed. They are not about to enter upon the hunting of people who, if they are not now, will soon be fugitives from justice. They looked around and they talked to their solicitor and their solicitor diligently proceeded as best he could. He found out something very interesting in October of this year about that little piece of land that Allview was supposed to be buying from Fleetwood and then turning over, since it had already received the purchase price. The solicitor found out that despite the denials that anything had ever been done—it may not have been registered—something was done. There was a copy of a land transfer showing that Fleetwood Construction was selling the land in question to Allview Developments, and then a transfer showing that Allview Developments was turning it over to this couple. Those deeds were never registered.

On the deed, not registered, from Fleetwood to Allview there is a stamp to get around the land transfer tax which says construction had commenced and was in progress. In this case, we are already in the area of criminal fraud when a man hands over a sales contract from a company he does not represent and, secondly—I will draw this to the attention of the Minister of Revenue (Mr. Meen)—here are people, for the sake of, shall we say, conforming to the regulations for exemption under certain taxes, very calmly putting down statements, on deeds which are supposed to be registered, which were at that time and still are patently untrue.

The interesting part of all of this—I realize it's complicated but none of these things is ever very simple—people don't just casually stroll up to you and say: "I'm going to lift \$17,000 out of your wallet or your purse and I hope you appreciate it." These things become very sophisticated.

One of the points here, it would seem to me, and I think it would seem to any reasonable person, is how does one begin to get at who is responsible for doing what to whom? Somewhere, there must have been an erection contract.

After all, here is Viceroy providing the prefabricated materials; in effect, it owns the land and is selling both of those, and here is Mr. Widdop and his Allview Developments, who are going to erect. Somewhere there must be a contract between Mr. Widdop and Viceroy to erect this cottage; or perhaps an agreement that he was not going to erect it, that these people really had bypassed the whole Viceroy programme. They bought a piece of land from them. They had bought the prefabricated materials but they were choosing their own builder and Viceroy was really out of it once the land was sold and once the prefabricated materials had been delivered as specified.

They can't find the erection contract. There are two reasons, they say, that they cannot locate it. It may be in the mail and I think in today's environment you have to give them a bit of the benefit of the doubt; although if it is still in the mail, we probably won't see it in this century. Or it may have been one of the documents which were destroyed in a fire in an office building in Montreal. Nobody knows what documents were destroyed in that fire in that building in the city of Montreal.

That leaves my constituents flailing around in circles. The only thing they have been

able to do is to put in a caution if the deed, the one that says construction had commenced, is ever registered. It won't get them very much money back. They're going to have a very difficult time even in a court case. It is very difficult for a judge to assign responsibility when the pertinent documents are either in the mail or consumed by fire in the city of Montreal.

There's a second person, not a constituent of mine, who dealt with this same gentleman, Mr. Widdop, and his Allview. He did a little bit better. He got a cottage. One of the specifications in here, by the way, provides for sanitary facilities. They are very heavy on that and all of these advertisements keep saying, "Approved by the Ministry of the Environment." As a matter of fact, there's an out for people if the Ministry of the Environment doesn't approve the land for the particular type of sanitary facilities which would normally be installed. They get their money back and it's all over.

In this case, for a cost of \$2,000 they built this gentleman a toilet and were to have the septic tank and everything else there. They built the toilet but that was about the end of the construction by Mr. Widdop and his company because they never got around to building the septic tank.

There was another person with the same type of arrangement—where does he go to get his septic tank built? It's another \$2,000 down the drain.

These things seem to be in the world of things that happen to people. It's not exactly the end of the world but difficult, heart-rending, inconvenient, annoying and frustrating. I would suggest that when companies of the stature of Viceroy start assigning responsibilities and allowing their good names to be used by people like this Widdop and his Allview, really the consumer of this province has to be warned.

It is one thing to go to a booth at a fair or an exhibition or a show and to pick up this marvellous document from Viceroy. As a matter of fact, if one stops in Scarborough, one can take a look at samples of the company's prefab work because they're erected there. It's a company which has obviously been in business a long time. Or people can send away to them—they don't get the colour job one gets outside but there are seven great vacation communities ranging all the way from Parry Sound to Belleville and Prince Edward County. They get very nice documents back and really they are buying Viceroy.

I wonder how many prospective cottage builders or land buyers would like to deal with the likes of a gentleman like Mr. Robert Widdop or his Allview Developments? The answer is obvious—they wouldn't. It seems to me that when companies are prepared to lend their good names to projects, knowing ne'er-do-wells and just plain scoundrels are going to wind up at the operative end of the contracts, perhaps the time has come not only to say consumer beware but to suggest some legislation is needed in this regard.

One of the difficulties with legislation in this particular area is being able to get legislation which would protect against the scoundrel while not penalizing the couple of modest means who are having their cottage, small or medium as it may be, built by a local contractor and not increasing the cost of that to such a prohibitive amount in the name of protection so that the people simply wouldn't be able to afford that kind of recreational activity.

[12:00]

I suggest that, unless companies like Viceroy are prepared to accept their responsibility, they are on a collision course and are going to find themselves so tightly regulated that they are going to sit around at board meetings and wonder how they ever incurred such displeasure by the public to inherit these consequences for a lifetime.

In this one case, and I say it again, we have the appearance of criminal fraud. We have a man who somehow has disformed the purchase and sale form of Viceroy, who has worked for them before, who incidentally is at the place described in their brochure, which says Viceroy. Mr. Pickering enters into all of these things, but when it turns out that there's something the matter, Mr. Pickering isn't employed by these people anymore, he's over with the other group. Then the other person somehow isn't responsible at all because nobody can find him and nobody can find his company.

It doesn't do any good to go looking for the bankruptcy court, nor to go looking for a trustee in bankruptcy or a receiver, because Mr. Widdop obviously is a professional at these things and he doesn't bother with little niceties like that. He merely papers the place with NSF cheques, skims off what he can and goes happily on to the next place, where, once again, we shall hear more about this gentleman. I rather imagine, if he is formally charged, that when the OPP go to get him he will be erecting summer cottages for some other prefab operator, and that the tale of

woe that will accompany him will be identical.

One of the difficulties in this prefabricated cottage erection industry is that all of your money has to be up front. In other words when you buy the land you are buying right then and there for cash. Your prefab materials are paid for even before they're delivered to the site.

It's not like conventional construction, where you give advances to your builder and so on and so forth. When he fills the foundation he gets so much of an advance, when the walls are up another advance and when he gets to the plumbing or the electricity another advance or another draw. Then, finally, upon completion you hold back 15 per cent because there may very well be a mechanic's lien filed against your contractor or subcontractors for lack of financial performance. But not with this stuff. You pay it all out; it's right up front. There is no hold-back money. How can there be hold-back money? You pay for the materials or they don't arrive. You pay the erection fee in advance or there isn't somebody there to take those materials off the back of a truck when they arrive.

The transfer of the land doesn't bother me as much, as that can be regulated. On the purchase of land in most cases the money is up front. If they are going to work such a very nice system where they have cash in advance, then if there's any dispute you have to argue about it, rather than having the system that has evolved in this province over a great many decades, particularly in erection and construction, where the customer has the right to a hold-back, not only to protect himself against deficiencies but also to protect himself against liability if mechanic's liens are filed, not against him but against his property, because of the lack of performance by the contractor. In these cases, that kind of protection simply isn't there; or if it is it would be confined to 15 per cent of the erection fee that you are paying to the contractor you selected, which is extremely minimal.

We have a new home warranty programme commencing in this province on January 1 but because of the complexities of that programme, because of the many years of misadventure it is going to have to start cleaning up—not for the benefit of those who have had misadventures over the years but at least to prevent them from recurring. This type of home, either the prefabricated or the summer cottage, was exempted from the provisions of that Act. I think the feeling was, as I've said before, that quite often the summer cottage

is of rudimentary construction. It's meant to be a recreational home; it's not meant to be the Taj Mahal.

I am becoming more convinced that with this type of thing going on, when the sub-contractor simply disappears after pocketing the money and somehow documents get lost in the mail forever or are burned in fires in Montreal, perhaps there may have to be some amendments to the new home warranty programme bringing this type of operation under the scope of that Act and that programme.

I regret that there doesn't seem to be an orderly solution for this couple. I think it extremely difficult to try to explain to people that on one hand they may have been victims of a criminal fraud, or on the other hand, whatever they want to prove has fallen victim to the post office or fire. Or to try to explain to a couple who saved that \$17,000 and did everything in good faith that, really, they're in for a prolonged legal battle. It may yield them about a half a cent on the dollar.

If that couple had sent out an NSF cheque, I guarantee there wouldn't have been all this difficulty in finding out who signed the purchase agreement. There wouldn't be all this difficulty about finding out just who Mr. Michael Pickering was responsible to. As a matter of fact, at the saving of a considerable amount of money for the provincial police, we would probably find Mr. Robert Widdop, because he would have been at the nearest justice of the peace swearing out an information and demanding that this couple be hauled off in handcuffs to face the judge. When it's on the other side, it's just one of the risks of the marketplace.

The time has come in the prefabricated summer cottage industry that the risks of the marketplace are about to be terminated abruptly. They can either accept their responsibilities in a voluntary, mature and responsible way or they can come in and sit on the public benches while they watch the passage of the legislation which is going to tie them so tightly it will be difficult to breathe. I only wish that type of legislation and that type of control could be retroactive because I feel very deeply for this couple.

I could go on with some other escapades in the prefabricated summer cottage industry but I think I have made the point.

Turning to another topic, one of the things that government gives a great deal of lip service to today—that is all governments—is doing something for the handicapped.

Mr. B. Newman: Right you are.

Mr. Drea: I don't mean in a paternalistic or patronizing way but in a meaningful way which will not only make it plain to the handicapped but also make it practical for them to be really part of the mainstream of society.

I endorse that thrust. In many ways, it's a bit tardy but nonetheless it is here. I think in the last couple of years not only on these premises but in other public buildings we have seen the particular designation of entrances, ramps and other accommodations that will make life more meaningful for the handicapped because they now can feel that the building is as much theirs as it is those who walk up the stairs.

By the same token, there is an element that disturbs me and that is the recreational field for the handicapped. Depending upon one's particular handicap, whether it is a paralysis that confines one to a wheelchair or blindness that confines one to somewhat limited physical activity or an internal physical ailment or loss of a limb or any number of things, this does limit in one way one's ability to take part in what we know as recreation. I do not think it should limit one's ability or opportunity to engage in the area of recreation that requires very, very limited physical activity but, depending upon the ability of the person, a considerable amount of intellectual activity. Perhaps it is as simple a thing as being able to meet people on the outside when one's confined to an institution. To me, it is recreation for somebody who is bed-ridden or chair-ridden during the day to be able to get out once a week to meet somebody. It may not sound like great recreation to you or me but then we are in a different milieu.

Among the great providers for recreation in this province are the funds that come from Wintario. Once again, within the statute on Wintario, recreation and fitness and that type of thing are somewhat narrowly defined but broad enough in scope that they have taken in just about everything where there is a legitimate interest and where the funds can be properly used. I would suggest that the area of recreation for the institutionalized—and I am not talking about recreation within the institution—is an area that, unfortunately, when the statute was drawn, apparently was not realized and thus has been neglected.

It is not only for the physical handicapped. It also pertains just as validly to those who are retarded. Many of these people, despite the thrust to get them back into society, will for a number of reasons continue to be institutionalized for many years; some of them,

because of their condition, really for the rest of their lives. I also understand that the definition by Wintario of just what recreation is had to be defined or otherwise there would be no control over the money.

As I have said, some of the activities of the people I have been talking about don't fall within your definition of recreation and mine, and not of the law. For instance, in my riding I have 16 young people—

Mr. Warner: Is that all?

Mr. Drea: —young adults who are institutionalized in a very good nursing home. I want to make it very plain when it comes to care the Rockcliff Nursing Home is second to none in this province. These young people are never going to be cured. Their physical status of today is what they will have the rest of their days. Because of the cost of that care, social services in one form or another, either through extended health care or social assistance, does pay for that care. It does provide them with comfort money and what have you.

[12:15]

One of the great sources of recreation for these young people is to go to night school. To you and me, Mr. Speaker, going to night school is not recreation; it's leading to something. When they say they want to go to night school, they want to do something about the transportation. First of all, the obvious thrust is to go to the Ministry of Education; but night school is not education because it is not really within The Education Act. The hon. members and I understand the complexities of all of this. Unfortunately, a great number of people do not, nor can they be expected to. It is not education, within the responsibility of providing funds.

Because they are institutionalized and because social assistance in one form or another is paying for their care, the argument then is that this is in a form of social assistance. But then you get into the jurisdictional thing, that social assistance is paying for the institutionalization and not for this.

You go to the school board and the school board says, "We have a high school where they can go—a great many high schools—but there is no way that we can provide the transportation." If you want to try The Vocational Rehabilitation Act, you cannot because the particular education, by definition, must lead to an occupation and obviously this is not going to lead to an occupation. In fact, the truth of the matter is that the night school is recreation. It is an attempt by themselves

to come back into the mainstream of society as much as their physical and mental condition will allow.

I would suggest that now is the time to take another look at Wintario. Perhaps a definition of recreation for the handicapped might be in order, because surely a programme that is as socially aware as Wintario should begin to get interested in providing funding for these people.

Mr. Grande: Where are the guidelines?

Mr. Drea: What is your problem?

Mr. Grande: I am just asking a question.

Mr. Speaker: Order, please.

Mr. Drea: Well, ask it outside or somewhere else, will you?

Mr. Grande: You mean you don't want me to be here?

Mr. Drea: If you could talk coherently so I could understand you, I wouldn't mind.

Mr. Speaker: Order, please. Would the hon. member just continue his remarks? Thank you.

Mr. Drea: I have the gravest of difficulty understanding high tenors before 12:15 in the afternoon.

Mr. Speaker: Order, please.

Mr. Drea: I really think that Wintario should begin to take a look at this field. It is a field that is going to become increasingly significant because the thrust of all government is really to return the handicapped, or those who don't fall into the category of the beautiful people, into the mainstream of society. I think that is a goal that everyone in this House and most responsible people have advocated for a great number of years.

By the same token, when you do a programme like that you know full well in the beginning that you are going to inherit a great many problems. It is very easy to institutionalize and forget about people; it is sometimes manifestly more difficult to try to return them to society, because there are difficulties and there are problems. But to me those problems are relatively minor and can easily be overcome.

I would be less than fair if I did not mention that my friend and colleague the hon. House leader, who is the Minister of Culture and Recreation (Mr. Welch) has done something which will arrive at a solution for these 16 young people and their

particular problem. I thank him very much for that. It only underlines to me that in this province we are very fortunate to have a man of his stature and a man of his humanity in the role that he now has.

Mr. Warner: Too bad he is in the government.

Mr. Drea: But I suggest there is a much wider scope for this type of thing. That is the larger scope that I am talking about. I don't think it should be up to the ability of the handicapped to be able to locate a particular member who does go and get something done.

I think that these things should be put on an orderly, stable basis where people can apply as a matter of routine and the applications processed and the cheques or the programmes provided as a matter of normal business routine. That is what I am talking about. I realize it may take amendments to the particular statutes, putting in that type of a definition, and I would certainly hope that in the very near future that type of amendment which would allow that type of policy and programme would be introduced because I am sure it would get the unanimous consent of the House. I think it is an area of social endeavour where we have to accept our responsibilities and I think that this is one of the responsibilities. I think the scope of it should be province-wide, even knowing that in some of the smaller areas or some of the remoter areas it is going to cost an awful lot more money than it would in the borough of Scarborough, which is a high density area, or in Metropolitan Toronto or in certain other places. A programme like this should be available across the province, perhaps on an even more extended basis in those remoter areas because there aren't the ancillary services or the little comforts so readily available for people there.

In conclusion, I would like to draw to the attention of the government that I think it is time we took a look at the effects and the practical applications of the Grange decision, which found that certain condominium owners were entitled to rebates on assessments that were wrongly levied, but in the traditional manner of the courts, the courts left the payment to the condominium owner in the traditional manner of rebates of property tax. I would suggest that that traditional manner unfortunately pertained to a day when rebates of property tax went to owners of detached homes and was never intended to handle the scope and the immensity and the complexity of the results of the condominium

owners being right in their pursuit of justice against assessment.

I have condominiums in my riding, Mr. Speaker. It is very difficult to explain to people. Once again they did the right thing. When those assessments were first levied they wanted to know where to go. They went to the court of revision.

In a great many cases in the court of revision those assessments were lowered. The municipality immediately appealed and went into county court. In some cases they were put back up, in some cases they were left alone.

The thrust of the practical implementation—in other words, the payment of the cash back—that flows from the Grange decision is that you must have been a party to an appeal before the court and not the court of revision. You had to be in the county court where the appeals against the decision by the court of revision were made. And incidentally, you must still be before the courts to receive payment.

The difficulty is, Mr. Speaker, in a highrise condominium you may have people living door by door from each other. One person is entitled to only one year of rebate. A person down the hall, who went to what he thought was the court—he went to the court of revision—is entitled to absolutely nothing. Someone else down the hall who was a latter participant in the case, who has only been in the building for a couple of years and who never got to court although his papers did, is entitled to the full rebate. There is a great deal of confusion. There is a great deal of alienation.

People find it extremely difficult to understand how they could have been right all along; how the government, the provincial assessors, could have been wrong all along; how the municipalities could not help out very much; how the courts could render a judgement and then, when it comes to the practical application of justice which is the cash, they don't get it. I think it is time for this government to review the matter, since it is our employees who, under direction, made the first mistake which led to these wrongful assessments. I think it is time we set things right. If people were wrongly assessed, if people did the right thing and went to the court of revision but perhaps never went any further because county court is not only an expensive but a time consuming thing—as a matter of fact, the fact they all didn't go into county court has saved this province tens of millions of dollars be-

cause they couldn't have all been fitted in. We would have had to build county courts all over the place just to accommodate the cases or backlogged everything else.

Mr. Warner: You have to do it.

Mr. Drea: Yes.

Mr. Warner: Are you suggesting I get one, too?

Mr. Drea: Do you want to see me and maybe we can negotiate? They did save us money. I think it is the mark of a government that justice, when it is done, must be seen to be done. I think we are going to have a very difficult time convincing a great many condominium owners that in this particular case justice, other than technical justice, really has been done.

I would hope that the government, without intruding upon the prerogatives of the courts—I say that because my attitudes toward certain establishments in this country are known—perhaps can go a step further. Surely, the people who did appeal and who were the victims of economic injustice, in that situation I think they are entitled to the remedy that has been applied to some but not to all.

Mr. Swart: Mr. Speaker, I want to speak through you to the government and the other members of this House; unlike the last speaker, at this point in time I guess that is necessary for me. I must confess that the member for Scarborough Centre left me a little confused when he asked to speak through you to the government. I assumed that as a parliamentary assistant he is part of that government but, in any event, I would have assumed—

Mr. Drea: Mr. Speaker, on a point of privilege.

Mr. Warner: Are you resigning?

Mr. Swart:—that he would have had some access to the government without going through you. I don't really want to make an issue of this; I realize it was just a slip. I think, though, perhaps it was more—

Mr. Warner: I think it's important.

Mr. Swart:—it was not a lapse—

Mr. Speaker: Order, please.

Mr. Drea: Mr. Speaker, on a point of privilege. I meant every word I said in here. I don't like motives being imputed to me. I don't like it being said that it was a slip.

I was speaking to the government in an acceptable and responsible manner through you as the Chair.

Mr. Haggerty: Like any other member of the House.

Mr. Warner: Resign.

Mr. Swart: They don't even listen to you.

Mr. Speaker: Order, please. On the point, all members speak through the Chair, so the hon. member will continue.

Mr. Swart: I would say finally on this issue that I don't believe it was a lapse; I believe it was a projection. Perhaps, in the not too distant future, the member will have to speak through the Chair to the government.

Mr. Germa: He blew it.

Mr. Haggerty: Be my guest.

[12:30]

Mr. Swart: I have had the opportunity already to debate certain estimates contained in the budget. As a matter of fact, I was quite unhappy about a number of those estimates, particularly in the municipal field where there was a general shift back to the regressive property tax brought about by that budget, and particularly the part of the budget which kept the property tax credit at the same level and therefore caused the lower income property tax payers not just to pay the average 14 or 15 per cent increase in property taxes this year, but because the property tax credit was not raised their increases were 20 or 25 per cent.

I considered dealing with a number of other items in the municipal field about which I am concerned, particularly the proposed tax reform that is being dealt with at the present time by the Blair commission and the proposed transfers from the provincial government to the municipalities which was announced in September by the Treasurer. But in spite of the opportunity this does provide to deal with those things, I decided that I want to take part in the general aspects of the proposed budget because it provides a pretty accurate indication of the general thrust of this government's policies, and I say that thrust needs to be deflected or blunted or abandoned in many respects.

The budget and the Henderson report, I guess more properly known as the special programme review, the hospital cutbacks—

Mr. Warner: The McKeough document.

Mr. Swart: Yes, perhaps the McKeough document is the better name for it.

Mr. Warner: The blueprint for destruction.

Mr. Swart: The gleeful embracing of the federal government wage controls, and the proposed increase in tuition fees at the universities, and other aspects of the budget demonstrate, along with the municipal policies that I have mentioned, a deliberate shift of the tax load and the service cuts on to the middle and lower income groups, and there is no doubt about this. But above all the budget and other policies, whether separately or collectively, show that this government that we have now doesn't plan for or doesn't care about the future of this province. It's prepared to see our vast resources, particularly the renewable ones, sacrificed on its altar of corporate greed and private enterprise. No persuasive argument, no logic, no proof, not even any pleading from the youth generation will alter this government's mad destructive course.

Mr. Grande: Because it's dogmatic.

Mr. Swart: There's lots of talk on their part. There are facades. But when it comes to action in these matters there is a total absence, and believe me the woods of the north are providing one classic proof of that attitude.

There has been abject failure of sustained yield policies in the forest management. I realize that recently this has received a lot of discussion in this House, and out of it, and on the estimates committees, and it's all deserved, and I intended to contribute to it because it is of over-riding importance.

As long ago as 1924, 52 years ago, it was recognized by the Canadian royal commission on pulpwood that there was not adequate management in reforestation of our northern woodlands. That commission said, first of all: "If we are to any appreciable extent to improve what is over vast areas a sadly depleted and deteriorated forest estate; if we are to permanently maintain in flourishing condition a gigantic industry that has been built up, we must approach the question of forest dedication in a positive and vigorous manner." That was 52 years ago. The commission further stated:

"There is ample evidence that the government of Ontario has also followed the practice of extracting too great a toll from its forest resources, without returning thereto, by any way of protection and competent administration, the amount which proper

conduct of the forest business would demand."

Mr. Reid: Are you suggesting the revenues they have derived—from Crown dues, stumpage and that sort of thing—are too much?

Mr. Swart: Too much? I'm not really as concerned about the revenues they derive at this time, although they're totally inadequate, as I am by the fact that they're not using adequate funds to do the reforestation.

Mr. Reid: You just contradicted yourself—but that is NDP policy, so that's all right.

Mr. Swart: The publicity, and perhaps some degree of concern, caused The Pulpwood Conservation Act to be passed in this province, which required "all pulp companies to plan their future management on a sustained yield basis." That was 47 years ago. But, immediately after that was passed, the governments of this province and this nation steered us directly into the mire of the great Depression. This was then used as a justification to ignore the reforestation provisions.

Mind you, it shouldn't have been. With all the manpower available in those times we should have been using it for purposes exactly like reforestation. But the government of those days, like this government, hadn't the imagination or the economic common sense to productively put to use the talents and the labours of its citizens. They couldn't even initiate a one-shot project like the United States did with the Tennessee Valley Authority.

The Second World War intervened and shortages of manpower and goods made reforestation again a very low priority. Isn't it ironic that little reforestation took place for 15 years; first because we had a surplus of manpower and productive capacity; and secondly because we had a shortage of manpower—or person power, perhaps I should say—and productive capacity. It appears a bit absurd, doesn't it? Yet in the 40 years since then the Liberal and Tory policies in this regard haven't changed one bit. Today they tell us we can't afford the things we need because we've got a surplus of manpower and productive capacity; that's what we're told today. I think this tells the public something about the doctrinaire, unplanned, private enterprise system which this government dogmatically supports. In the post-war years there was no dramatic shortages or surpluses of either manpower or productive capacity, but cutting of the forests with little degree of regeneration accelerated at a tremendous rate.

This year, 1976, is sort of an anniversary, because it's exactly three decades ago that a royal commission in forestry was appointed by the Tory provincial government, then one year old as a majority government, to "investigate, inquire into and report upon the forest resources of Ontario and their conservation, management, development and beneficial utilization for all purposes." One year later the commissioner, Howard Kennedy, said in the report which he tabled:

"Up to the present, cutting practices on Crown lands in Ontario, as elsewhere in eastern Canada, have been governed by considerations of current operating costs rather than by the needs of a future crop of timber from the same area. Good reproduction, when it has occurred, has always created satisfaction, but it has been the child of chance rather than of design. Areas which supported pine in the Ottawa Valley and a majority, though not all, of the black spruce swamp types in the province, give promise of future stands commensurate in quality and quantity to those cut. Other cut-over areas on the average are reproducing inferior species or are barren or are only partially stocked. If Ontario is to remain one of Canada's major timber producing provinces this trend must be checked and practices developed and enforced which will guarantee a future crop preferably better than, but at least as good as, the one harvested if such is economically feasible."

The Crown Timber Act resulting from that report appeared to usher in a new era with required forest management by leaseholders of public woodlands, but as K. W. Hearnden, the former chairman of the Professional Foresters Association, said, and I quote: "Unfortunately, the so-called management plans tended to be little more than academic exercises designed to satisfy a statutory requirement."

White papers, amendments to The Crown Timber Act, further reports and government statements, including in 1962 the transfer of responsibility for silviculture from the forest industry to the provincial government, have produced mountains of paper and words but little improvement in percentage of regeneration of the woodlands cut over.

Significantly, in all the many documents and bills there is yet no commitment by the government in writing to the principle of sustained yield. Its actions show, in fact, that it rejects that principle. The statistics provided to us by the Professional Foresters Association of Ontario show this picture in

1974 and 1975: That we're cutting in northern Ontario something like 500,000 acres annually; that the objective of the Ontario government for regeneration was 400,000 acres annually; that all forms of regeneration that in fact took place were about 350,000 acres annually during those two years and the actual regeneration that took place, the trees which rooted, accounted for about 200,000 acres or 40 per cent of the land which was being clear cut.

I want to use the example of the Mattawan working circle of the Great Lakes Paper Company which I visited with certain other members of the Legislature at the end of August last year. The Mattawan working circle, according to the document which was presented to us by the foresters, is one of the six making up the Great Lakes management unit south of the transcontinental line of the CNR.

The gross area of the unit approximates one million acres, of which 787,000 acres or 79 per cent is productive forest land. The forest is harvested by the clear cutting system. They say the wood required from all their limits for this manufacturing complex in Thunder Bay, the Great Lakes Paper and Wood Company, is in excess of one million cords annually. In fact, that means that in less than 10, really about in seven years, the area cut over for this mill complex alone is an area equal to the whole Niagara region.

The section on forest management in this document is rather interesting and I should point out here, Mr. Speaker, that in the preparation of this document the professional forester, at least one, working for the Great Lakes Paper Company had a hand in the preparation of this document. He would have, I suppose, a vested interest to some degree, although one of the happy things now in our society is that many of the professional people were willing to speak out as they were not before, whether the agrologists or whether the foresters.

But he would have a vested interest and not overstate the case, and he says this: "The management plan dated July 11, 1962, was prepared by the Great Lakes Paper Company forest staff for their cutting limits. Then a further interim forest management plan was prepared for the decade 1970 to 1980. The management period for the original plan is from 1962 to 1982."

[12:45]

He goes on to say this: "The management plan and its revision do not describe how the forest should be managed so that it re-

mains productive. There is little information on the silvicultural methods that must be employed to secure maximum quantity and quality of regeneration. The management objectives and systems dwell almost exclusively on extraction, with little consideration for other uses, and although the licence contains a regeneration agreement clause, the plan does not make any reference to this fact." That was said in 1962 and again in the interim forest report which was developed at a much later date.

Then they give us tables that point out in fact what has happened. They show that in the years in which this particular limit has been cut—the Mattawan limit—this is the situation. They have cut over something like 70,912 acres of land in this one limit. The total regenerated is 19,566 acres or 27.6 per cent of what was cut over.

Then they go on to deal with the question of the effectiveness of the regeneration and they point out in their table that by sampling they have found out that 5,180 acres were successfully regenerated. This doesn't compare the years from the time they started cutting; this is a spot check. Unsuccessfully regenerated was 4,293 acres; 54 per cent was successfully regenerated and 46 per cent was not regenerated.

Surely this is an utter condemnation of the policies of this government, the government that has the stewardship for the natural resources and particularly the renewable natural resources of this province.

This is the broad overview and this then is a specific example of the current situation when our virgin northern forest will be practically consumed by the end of this century. Even massive reforestation now—with a minimum of 40 to 50 years of growth to marketable maturity, and I guess on the average it's more like 60 to 80 years—won't prevent the drastic reduction of forest production at the start of the next century and that is only 25 years away.

Mr. Reid: What is a virgin forest?

Hon. B. Stephenson: It's one that's as pure as you are.

Mr. Reid: I knew there was none left.

Mr. Swart: What type of government would permit this situation to develop? A Tory one that has been in power for 33 consecutive years, one with a Minister of Natural Resources (Mr. Bernier) who has this report on his comments carried by the *Globe and Mail* on October 28 of this year, and I quote:

"Mr. Bernier agreed in an interview that there are problems with reforestation. He said it is partly because the ministry does not have the funds to enforce guidelines . . . When we're asking for funds to plant trees today, we would not actually reap benefits for 60 or 80 years . . ." End of quote of the minister responsible in the year 1976 and for this documentation of the destruction of our forests.

I say it is a government that hasn't the courage to take from the woods industry with an annual value of shipments of \$2.5 billion to \$3 billion—

Mr. Reid: What's the profit margin?

Mr. Swart: We are not talking about profits here. We are talking about reforestation—

Mr. Maeck: You have to. It's got to be considered.

Mr. Swart: —the need to conserve for future generations, even our children—

Mr. Reid: You don't know what the word "conserve" means. It means wide use of.

Mr. Swart: The necessary \$50 million out of that \$2½ billion to \$3 billion—

Mr. Conway: You guys go anywhere where it's free.

Mr. Swart: —to provide the regeneration needed for sustained yield. It is a government that has a close liaison with the Ontario Forest Industries Association, whose spokesman, W. C. Harrison, said recently to the Rotary Club of Hamilton, as quoted in *The Forest Scene* which I have here, and this is for the fall of 1976: "Ontario's forest industry can well disappear unless quick action is taken to stem the growing restrictions on the operations. W. C. Harrison told the Rotary Club that forest fires, shrinking cutting areas, blight, preservationists [they're right next to blight in his statement] and the apparently disinterested public are strangling the industry's competitiveness." That's a statement by the industry at this stage in the destruction of our forests.

The industry is saying: "Give us full speed ahead for the rest of the forests. Get the preservationists and the restricted cutting measures out of our hair and get them off our backs. Let us maximize our profits now; don't worry about the future." You can't put any other interpretation on that statement and that's the exact attitude this Tory govern-

ment has taken and is taking in this matter. I say it's a cynical and shabby attitude.

Mr. Germa: Absolutely.

Mr. Swart: It sells our future generations for a few bucks and a few votes now. The Tories simply don't care. Nothing could have demonstrated this more clearly than the attendance or, perhaps I should say, the non-attendance by the Liberals and Conservatives at the status of Ontario forests conference for MPPs in Thunder Bay last August 30 and 31.

Need I remind the House how many people the Liberal and Conservative Parties had there? Need I remind members that the Ontario Foresters Association spent six months trying to arrange dates which would be satisfactory to the MPPs of this House and, in fact, changed the date to try to accommodate the MPPs?

Mr. Conway: You guys go anywhere when it's free.

Mr. Good: You are a bunch of phonies now.

Mr. Conway: Trying to educate the NDP is an all year task.

Mr. Speaker: Order please.

Mr. Reid: Mr. Speaker, on a point of order.

Interjections.

Mr. Reid: Mr. Speaker, on a point of order. I'd like to set the record straight—there were numerous Liberals in attendance.

Mr. Warner: Numerous.

Mr. Reid: There were not as many as we would have liked because of the timing of the particular convention but I'd like to draw to your attention—

Mr. Renwick: I don't think that's a point of order.

Mr. Reid: I'd like to draw to your attention, Mr. Speaker that the Liberal members and the Conservative members stayed in the residence at Lakehead University while the poor starving socialists stayed in the Red Oak Inn, a CPR hotel.

Mr. Speaker: Order, please. That is not really a point of order, I think. Order, please.

Interjections.

Mr. Swart: Mr. Speaker, all the Liberals there could have been put in a telephone booth. There were only three of them.

Mr. Conway: Tell us about the forests in Welland-Thorold.

Interjections.

Mr. Swart: I want to put on the record of this House, the numbers there at that time and perhaps, in answer to the member for—

Mr. Good: At the NDP convention.

Mr. Conway: At the NDP caucus, at the NDP convention.

Mr. Speaker: Order, please.

Mr. Swart: In answer to the member for Renfrew North, I might say there is far more hope for those who may not think they have all the knowledge at this time but are concerned than for those who think they have the knowledge and never show up at these things.

Mr. Conway: Is he telling me the attendance at that convention was of concern?

Mr. Speaker: Order, please. The member for Welland-Thorold has the floor.

Mr. Swart: There were 20 out of 38 NDPs who were concerned enough to attend that Foresters Association seminar.

Mr. Good: For an NDP convention that wasn't very many.

Mr. Reid: And what it took the foresters to learn, my friend learned—

Mr. Gregory: You are now an expert.

Mr. Swart: The Conservative party, then with 51 members had 10 present. I would point out that even if the party had had 52 members then there would have been only 10 present because the additional member wasn't there.

Mr. Gregory: Very important.

Mr. Swart: The Liberals, I think, had a maximum at one time of three out of 36; on the second day it was one or two. I think this rather clearly demonstrates the type of concern that this government—

Mr. Haggerty: It's the quality that counts.

Mr. Reid: A bunch of rubbish. He sold out northern Ontario and now they are concerned about the trees.

Mr. Germa: Three members.

Mr. Swart: —and the third party—

Interjections.

Mr. Speaker: Order, please. I think matters would proceed much more smoothly without the interjections. Thank you very much.

Mr. Swart: I am sure they would.

Mr. Reid: I just want to set the record straight.

Hon. Mrs. Birch: Whose record?

Mr. Reid: You had better go back and set the record straight.

Mr. Swart: Over there the government counts on the indifference of the public.

Mr. Conway: Where is Ellis Morningstar? Bring Ellis back.

Mr. Swart: The government thinks people are not concerned, that they don't know about this and it won't make any difference in votes. I can say to the government that up north the indifference has gone. That's why both of these parties in the whole vast north will each have only two members.

Mr. Reid: Your leader has sold out northern Ontario.

Mr. Swart: I say the government is misleading the public and the rest of Ontario too.

Mr. Reid: How come the member for Lake Nipigon (Mr. Stokes) doesn't go along with this policy?

Mr. Speaker: Order, please. The hon. member for Rainy River will restrain himself, please. The hon. member will continue with his remarks.

Mr. Swart: As a matter of fact, I posed that question to the member for Lake Nipigon and he said there were some people he had to sit close to when he was in the House and that he could only take it for a certain length of time.

Mr. Reid: He is opposed to your policy. How do you resolve that?

Mr. Conway: What do you think of Algonquin Park?

Mr. Swart: I say that the public is aware of and is not indifferent to this situation.

Mr. Reid: There is somebody else in southern Ontario telling us what to do in northern Ontario.

Mr. Speaker: Order, please. May I point out again that the hon. member for Welland-Thorold has the floor?

Mr. Swart: I would also point out that we are going to have the member for Sudbury East (Mr. Martel) back shortly and he will be able to tell them about the north.

Mr. Reid: Do you know what he said, Mr. Speaker?

Mr. Speaker: Order, please.

Mr. Reid: The member for Sudbury East doesn't even know where Red Lake is though he's from northern Ontario.

Mr. Speaker: The hon. member is out of order.

Mr. Swart: If he went to Red Lake though, he liked it, unlike certain people who went to Sault Ste. Marie.

Mr. Conway: You had better stick close to Welland-Thorold.

Mr. Maeck: The member for Rainy River is doing a fine job.

Mr. Swart: The public is aware of the shortage of natural resources. They are becoming increasingly conscious of these things because of what has been taking place with regard to other natural resources, such as oil and gas, and of the price increases because we didn't preserve those natural resources for our own use. We tried to sell them and exploit them. They are aware of the shortage because of the flip-flop on Hydro that this government has had to do in four short years. Their advertisement formerly was Hydro is yours, use it. There were special concessions to put in electric heating. Now we have a special week for conservation. The public wonders about a government that four years ago couldn't predict that this sort of shortage was going to take place.

The second reason people are aware of it is because what the government is doing to the forest resources in the north it is also doing to the land resources in the south. The same dismal destructive pattern permeates the whole food land preservation issue. The unique lands of Niagara provide the glaring example of this. I intend to speak on the Niagara fruit lands for another 10 minutes or so. Perhaps this would be a convenient point at which to break.

Mr. Swart moved the adjournment of the debate.

Motion agreed to.

On motion by Hon. Mr. Irvine, the House adjourned at 1 p.m.

CONTENTS

Friday, November 19, 1976

Point of privilege re Thursday naming of Mr. Roy, Mr. Sargent	4833
Point of order re Speaker's ruling resulting in ejection, Mr. Reid, Mr. Singer.....	4883
Multi-year licence plates, statement by Mr. Snow.....	4834
Point of order re promised statement on public health nurses' negotiations, Mr. Deans....	4834
Public health nurses' negotiations, questions of B. Stephenson: Mr. Lewis, Mr. Deans....	4835
Guidelines for judges, questions of Mr. MacBeth and Mr. McMurtry: Mr. Lewis, Mr. MacDonald, Mr. Renwick.....	4835
Public health nurses, question of Mr. F. S. Miller: Mr. Lewis.....	4836
Intermediate capacity transport system, question of Mr. Snow: Mr. Lewis.....	4837
Excavations at burial grounds, questions of Mr. Handleman: Mr. Breithaupt	4837
Viking Homes, questions of B. Stephenson and Mr. McMurtry: Mr. Breithaupt, Mr. McClellan	4837
Noise barriers on highways, questions of Mr. Snow: Mr. di Santo, Mr. Singer, Mr. Philip	4838
Status of hospital pharmacists, questions of B. Stephenson: Mr. Stong.....	4840
Use of French, question of Mr. Brunelle: Mr. Samis.....	4840
Organized crime, questions of Mr. MacBeth: Mr. Reid.....	4840
Shabaqua Corners-Thunder Bay route, question of Mr. Snow: Mr. Angus.....	4842
Sunday shopping, question of Mr. MacBeth: Mr. Mackenzie.....	4842
Children's Aid Society dispute, questions of Mr. Taylor: Mr. O'Neil	4842
Wawa senior citizen facilities, questions of Mr. Taylor: Mr. Wildman.....	4843
Ambulance services, questions of Mr. F. S. Miller: Mr. Mancini	4843
Hamilton health care facility, question of Mr. F. S. Miller, Mr. Deans.....	4844
Report, standing resources development committee, Mr. McNeil.....	4844
Budget debate, continued, Mr. Stong, Mr. Drea, Mr. Swart.....	4845
Motion to adjourn debate, Mr. Swart, agreed to.....	4862
Motion to adjourn, Mr. Irvine, agreed to	4862

SPEAKERS IN THIS ISSUE

Birch, Hon. M.; Provincial Secretary for Social Development (Scarborough East PC)
Breithaupt, J. R. (Kitchener L)
Brunelle, Hon. R.; Minister without Portfolio and Chairman of Cabinet (Cochrane North PC)
Conway, S. (Renfrew North L)
Deans, I. (Wentworth NDP)
di Santo, O. (Downsview NDP)
Drea, F. (Scarborough Centre PC)
Germa, M. C. (Sudbury NDP)
Good, E. R. (Waterloo North L)
Grande, A. (Oakwood NDP)
Gregory, M. E. C. (Mississauga East PC)
Haggerty, R. (Erie L)
Handleman, Hon. S. B.; Minister of Consumer and Commercial Relations (Carleton PC)
Kerrio, V. (Niagara Falls L)
Lewis, S.; Leader of the Opposition (Scarborough West NDP)
MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General (Humber PC)
MacDonald, D. C. (York South NDP)
Mackenzie, R. (Hamilton East NDP)
Maeck, L. (Parry Sound PC)
Mancini, R. (Essex South L)
McClellan, R. (Bellwoods NDP)
McMurtry, Hon. R.; Attorney General (Eglinton PC)
Miller, Hon. F. S.; Minister of Health (Muskoka PC)
Newman, B. (Windsor-Walkerville L)
O'Neil, H. (Quinte L)
Philip, E. (Etobicoke NDP)
Reid, T. P. (Rainy River L)
Renwick, J. A. (Riverdale NDP)
Rowe, Hon. R. D.; Speaker (Northumberland PC)
Ruston, R. F. (Essex North L)
Samis, G. (Cornwall NDP)
Sargent, E. (Grey-Bruce L)
Singer, V. M. (Wilson Heights L)
Smith, G. E.; Acting Speaker (Simcoe East PC)
Snow, Hon. J. W.; Minister of Transportation and Communications (Oakville PC)
Stephenson, Hon. B.; Minister of Labour (York Mills PC)
Stong, A. (York Centre L)
Swart, M. (Welland-Thorold NDP)
Taylor, Hon. J. A.; Minister of Community and Social Services (Prince Edward-Lennox PC)
Warner, D. (Scarborough-Ellesmere NDP)
Welch, Hon. R.; Minister of Culture and Recreation (Brock PC)
Wildman, B. (Oriole PC)



Legislature of Ontario Debates

OFFICIAL REPORT — DAILY EDITION

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Speaker: Honourable Russell Daniel Rowe

Clerk: Roderick Lewis, QC

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CONTENTS

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Daily contents of proceedings also appears at the back of this issue. Reference to a cumulative index of previous issues can be obtained by calling the Hansard Reporting Service indexing staff. (Phone 965-2159)

LEGISLATURE OF ONTARIO

MONDAY, NOVEMBER 22, 1976

The House met at 2 p.m.

Prayers.

POINT OF PRIVILEGE

Mr. S. Smith: Mr. Speaker, on a point of privilege.

Mr. Speaker: I recognize the member for Hamilton West.

Mr. S. Smith: As we discussed privately this morning, sir, I wish to withdraw a statement made by me last Thursday and recorded in the press. I wish to assure you that I have the greatest respect for the office you hold and it was not my desire to insult the Speaker.

Mr. Speaker: I thank the hon. member for his remarks. I appreciate them and I accept them and, as far as I am concerned, the matter is closed. I appreciate them.

I must comment briefly now on occurrences of Thursday last and the point also raised on Friday morning by certain members. When a member disagrees with an answer he has received from a minister, that does not constitute either a point of order or a matter of privilege. He should present his version, either by giving notice of his desire for a debate on adjournment to take place on the following Tuesday, as provided in standing orders 27 and 28; or he should take some other early opportunity of expressing his viewpoint, perhaps by the careful phrasing of a supplementary question.

What happened on Thursday was that it had developed into a pointless argument back and forth across the floor as to who was right and who was wrong in an interpretation of criminal law. When I attempted to bring an end to this argument, the member for Ottawa East (Mr. Roy) accused the minister of misleading the House.

On re-examination of the precedents, I have come to the conclusion that while it is not an offence to suggest that a member is in error and therefore is perhaps misleading the House inadvertently it is very clear that an accusation of deliberately misleading the House is not parliamentary. I refer you to

May's Parliamentary Practice, 19th edition, page 430, at the bottom of the first paragraph on that page, and to Parliamentary Debates, 1972-73, 859, c. 186. While the member for Ottawa East did not in fact use the word deliberate that was undoubtedly his meaning in the context in which he used the expression. I feel it was equally clear that in his accusation the member was imputing motives to the minister, and I refer you to standing order 16 (a), paragraph 9. I therefore had no alternative but to ask him to withdraw the accusation.

Statements by the ministry.

HURONIA REGIONAL CENTRE

Hon. Mr. Taylor: Mr. Speaker, events at Huronia Regional Centre early in April of this year prompted community concern and questions in this House. On April 27, accompanied by the assistant deputy minister for resources development, I made an unannounced and unscheduled visit to Orillia, to the Huronia Regional Centre. Following that visit and on the basis of further inquiries initiated by me, I determined there should be a thorough and comprehensive independent inquiry into the management and operation of the Huronia Regional Centre. Following this decision, it took approximately three weeks to locate and secure the acceptance of a thoroughly qualified independent investigator to conduct the inquiry. Accordingly, on June 1, I asked Dr. Joseph W. Willard to undertake this inquiry and to report to me on his findings.

Dr. Willard submitted that report to me last week. Arrangements were made to print copies of it during this past weekend and I am taking this first opportunity to table the entire document in this House for the benefit of the members and the general public. While it has taken a little longer than originally was anticipated to produce this report, when the members have had a chance to review it I am sure that they will agree with me that the additional time required by Dr. Willard has been well spent.

Dr. Willard has conducted a searching inquiry into a very difficult and complex operation. As he points out, the Huronia Regional

Centre represents, in a sense, a community of some 3,000 people, including residents and staff. The multiplicity of problems which inevitably arise in a community of that size are never simple and straightforward. Fortunately for us, Dr. Willard displays in his report a rare combination of analytical ability and depth of understanding of human relations which have enabled him to outline the problems with clarity and simplicity and to propose solutions which are reasonable and to the point.

Members will note that Dr. Willard has made some 69 separate recommendations. Obviously, because I have had the report only a few days, I have not been able to develop detailed responses to all of them for today. However, I would like to make a few general remarks in response to some of the topics to which they refer.

For example, I am pleased to say that my colleague, the Minister of Health (Mr. F. S. Miller), has already agreed to undertake with me an immediate review of the recommendations concerning the provision of psychiatric services with a view to inaugurating, insofar as is feasible, the special psychiatric units under The Mental Health Act which are being recommended.

With respect to the signing out and self-discharge of residents to the community, a matter which has caused considerable concern in the Orillia area particularly, I am quite prepared to proceed immediately toward the implementation of the recommendations for determining which residents are capable of travelling freely within the community and what would constitute appropriate supervision for the others. As well, I am prepared to see implemented an appropriate in-house mechanism for ensuring adequate preparation and support for those residents who decide to leave the facility prematurely.

I see much merit in the recommendations concerning resident abuse and staff discipline, particularly in the suggestion that an "ombudsman" function be established so that independent review of allegations of abuse will be assured.

Recognizing the complexities of administering a facility the size of Huronia, and the difficulty of reorienting such an institution to the new philosophy of provision of co-ordinated community based services for the mentally retarded, Dr. Willard has made some very positive recommendations concerning structure and organization. I have already taken some preliminary steps toward the

implementation of some of these. In particular, I have agreed that a change of administrator at the centre is required for the reasons which Dr. Willard outlines. In addition, I have asked that priority be given to investigating the feasibility of adopting the four-branch structure at Huronia as recommended.

The need for improving communications and working relationships with the parents of the residents and the community at large is certainly recognized. Accordingly, I am prepared to accept the recommendations concerning the strengthening of the liaison function, both from an organizational standpoint and on the basis of the establishment of a community based centre advisory committee.

With respect to the recommendations concerning planning for the future, I have already stated on numerous occasions my ministry's complete support for the consultative planning process which has been established through the district working groups.

As Dr. Willard so correctly points out, it will take some time to implement all of the changes, including those affecting the physical plant, which will be necessary to allow Huronia Regional Centre to adjust from its 100-year tradition of being essentially a segregated total care institution to become a functional part of a comprehensive community based system of services and facilities for the retarded. While much progress has already been made, the implementation of the majority of Dr. Willard's recommendations will do much to hasten that progress.

PUBLIC HEALTH NURSES' NEGOTIATIONS

Hon. Mr. Davis: Just a very brief matter by way of a statement and, I guess, to adhere to the rules of the House, a point of privilege in some respects as well. I want to apologize to the hon. member for Wentworth (Mr. Deans) and also the House leader for the opposition, because my office had indicated to the government that a statement would be forthcoming with respect to the public health nurse difficulties in his and other areas in the province on Friday. This did not happen, through an oversight, for which I cannot blame the hon. member for Wentworth.

Mr. Deans: Thank you very much.

Mr. Moffatt: If you could you would.

Hon. Mr. Davis: I mean much as I would like to!

Mr. Renwick: We thought he was to blame.

Hon. Mr. Davis: Yes, he was.

The Minister of Labour (B. Stephenson) has been keeping a very close watch on the situation, and shares with me the frustration with respect to the intransigence on both sides of the issue. I intend to write both sides throughout the province to express my government's concern in very personal terms. That letter, which I will table in the House later this week, is a prelude to any further government action. I am not convinced, however, that that action will be of ultimate value in view of the initiative of the Ministry of Health in offering to be of assistance to the parties directly. I will keep a close tab on the matter and report back to the House when a response to our letter is received.

ECONOMIC PLANNING CONFERENCE

Hon. Mr. Davis: The end of year one of the Anti-Inflation Board's operation, as well as the decision by the Legislature to confirm the commitment made by the government to co-operate with that programme, represents a unique opportunity for Ontario to reconsider and review its economic priorities and assumptions.

Some of the concern expressed about the anti-inflation programme centres around the perception of measures which are often perceived to be the central thrust of planning and policy formulation.

Economic policy and planning must not always remain the exclusive preserve of the experts. In Ontario our Treasurer (Mr. McKeough) has always sought to obtain a broad input from many groups in the planning process—

Mr. Reid: After announcing the plans.

Hon. Mr. Davis: He didn't, I must confess, consult with the hon. member for Rainy River, no.

Mr. Deans: He didn't consult with us either.

Hon. Mr. Davis: And he didn't consult with the member for Wentworth.

Mr. Reid: You wouldn't be in the mess you are if you had.

Hon. Mr. Davis: But I can assure you that representation from organized labour did have an opportunity.

Mr. Deans: So why are you telling me then?

Mr. Speaker: Order please.

Hon. Mr. Davis: I'm just saying this to show you how broadly based it is.

Mr. Breithaupt: As the political arm.

Hon. Mr. Davis: We get your contribution later.

Mr. Peterson: It is the enforcing arm.

Hon. Mr. Davis: As I was saying, there is a broad input from many groups in the planning process surrounding the preparation of budgetary and fiscal recommendations to cabinet. The millions of citizens who have a stake in a free, prosperous and vibrant economy have a very real right to a more open process, a process which brings together the key sectors of our society in order to share and develop a perspective on key economic issues.

[2:15]

To this end, Mr. Speaker, the government is inviting labour, business, consumers, agriculture and representative organizations from within the social sector, to participate in a conference to be held in Toronto on February 10 and 11. The purpose of that conference is best summed up in the title under which it will be organized. Partnership for Prosperity. It is my intention that this occasion will provide an opportunity for full and open discussion of the path and direction our economy must follow after controls are lifted, whenever that may be.

This conference, Mr. Speaker, which I will chair, will seek to build a framework of understanding and a perspective upon which our society can build. The shape of our society, in economic terms, is for the people to determine through their duly-elected governments. For government to seek to make that determination uniquely on its own would, however, be a serious denial of a role for organizations and groups which legitimately seek to advance the interests of their membership and constituency, as well as the interest of society as a whole.

With the high concentration of economic activity here, Ontario's economic prosperity, its shape and tone, relate directly to the continued economic viability of our nation.

Through this conference, we hope to set an example for the senior level of government. There is room for broad consultation on national priorities as an element in policy development in the economic area. Good and

workable federal-provincial consultation is also an essential element of good policy making.

To bear out our contention that sound economic planning requires wide and effective consultation, this government will seek to work with business, labour, consumers and farmers to ensure that perspectives which dominate our assumptions and hopes are realistic and fair.

Mr. Speaker, I will be writing each member of the assembly a detailed letter on the conference before January 1.

The conference will be open to the media; it will also be open to members of the public within the limits of space available.

Mr. Nixon: That's why you are having it, isn't it?

Hon. Mr. Davis: This government feels—

Mr. Reid: There must be an election coming.

Mr. Speaker: Order please.

Hon. Mr. Davis: I didn't hear that.

Mr. Reid: There must be election coming up.

Mr. Speaker: Order please.

Hon. Mr. Davis: Oh, I think it is reasonable to assume that at some point in time there will be an election.

Mr. Nixon: Going to allow the media; what a surprise.

Hon. Mr. Davis: This government feels confident Ontario is moving to a period of sustained prosperity and growth which can benefit all of our people.

Mr. Nixon: What a great example this is to the senior government.

Hon. Mr. Davis: We believe it is the role of government to seek to build some common ground that all sectors in our society can share.

Mr. Breithaupt: This may lead to a Just Society.

Hon. Mr. Davis: It is our hope that through a coherent discussion of issues which are of direct economic concern to all groups, in an open, objective forum, Ontario can benefit in many ways.

In our invitations, we shall stress that we are prepared to listen and that we seek a broad spectrum of advice. Our invitation is

a challenge to all those who share our interest in a bright and equitable economic future, and I'm confident, Mr. Speaker, that that challenge will be met.

Mr. Nixon: Come on boys, let's have it; did you really say "partnership for prosperity"?

Interjections.

Mr. Speaker: Order please. The hon. Treasurer.

Mr. Ruston: Lorne didn't even applaud it.

Mr. Reid: Here comes the epilogue.

ISOLATED COMMUNITIES ASSISTANCE FUND

Hon. Mr. McKeough: Mr. Speaker, I want to outline to the members the government's policy proposals for strengthening the capacity of communities in northern Ontario to meet their local problems.

Mr. Haggerty: It's about time.

Hon. Mr. McKeough: I am tabling today a background paper which explores the organizational problems facing our northern communities.

Mr. Conway: There is an election.

Hon. Mr. McKeough: For some time we have wrestled with the question of how to ensure that as many residents of northern Ontario as possible have access to an effective system for meeting needs of local communities.

Mr. Breithaupt: Like water.

Mr. Reid: Like money.

Hon. Mr. McKeough: Let me begin by saying that we took a bias into this process and nothing that's happened since we began has changed this view. We believe that a system of representative and accountable local government should exist where that system can effectively set and meet local priorities.

Mr. Haggerty: Recycling that speech of yours.

Hon. Mr. McKeough: In northern Ontario, the problems which local governments face are serious, difficult and unique. In many communities, no amount of rationalizing of local government institutions will make up for their resource deficiencies.

Much of the north has no local government and hence has no local representative presence with which to confront its problems. This realization is not new. Members on both sides of the House have raised perplexing issues unique to parts of northern Ontario.

In June 1974, The Northern Communities Act, Bill 102, was introduced in the Legislature. The purpose of this bill was to provide representative institutions for those communities remote from other urban centres which could not afford full municipal status. After giving this Act first reading, we began an extensive process of local consultation in the north. Our object was to determine from the residents of the small communities of the north what they wanted in the way of local government.

It was emphasized to us that no one model will fit all areas of the north. It should be obvious to us that all institutions and systems that are appropriate for the urban and populated areas of northern Ontario, are neither appropriate nor economic in the more sparsely populated areas or in the areas with very small communities. Our first principle then must be to ensure sufficient flexibility in our policies to meet the needs of each kind of area.

However, we can talk in general terms about two different conditions in the north which pose distinctly different problems. First, there are the communities with a substantial population, ranging from approximately 1,000 to well over 100,000. In the second general type of area in the north, and the area, frankly, with which I am most concerned today, are those communities which are too small to establish conventional forms of a full local government system. For these areas, separate municipal incorporation is neither the most economic method of providing basic local services nor particularly desired by local people.

I would like to discuss these two conditions briefly at this point. Throughout the north, there are several urban centres large enough to generate fringe growth. Some of these stand relatively alone, while others have in their immediate vicinity other urban centres with which they compete and share a close community of interest. The problems these communities face vary widely; however, they do share several problems almost without exception. They often border on unorganized areas or municipalities which are dependent on the central communities for employment, commerce, social and personal services, and often for physical services. Much of the area

near them features unplanned fringe growth areas of unserviced and unserviceable land, an absence of land-use controls and environmental safeguards and unevenly distributed resources. The tax structure has sometimes encouraged settlement in unorganized territory.

It has generally been acknowledged that land-use controls are vitally needed in most of these areas. Unfortunately, the only tools available—provincial controls under The Public Lands Act and The Planning Act—are not fully effective; and most important, are not responsive to local needs. In addition, most areas on the fringe of major urban centres are inseparably linked with those centres but do not contribute any taxes to the community that serves them. These fringe settlements rarely form cohesive units and often create problems which are excessively expensive to alleviate.

While these problems are serious, we do have through The Municipal Act mechanisms by which municipalities can come to grips with them. We have, over the last few years, actively assisted communities and municipalities in incorporating or in redrawing boundaries and will continue to do so in the future. We continue to respond to requests from communities wishing to explore local government alternatives by conducting detailed studies with them. This process not only assists local leaders in a more effective use of resources, it also provides the basis for a much more effective use of provincial support funds that go to municipalities of the north.

While conventional municipal organization may be the appropriate vehicle for much of the more heavily populated parts of northern Ontario, it is not now, and probably never will be, the answer to the problems of the very small and isolated communities and the huge expanse of very sparsely populated territory throughout our north. It is to the immediate problems of these areas that I wish to pay particular attention. This government has a wide variety of programmes available to all residents of northern Ontario, regardless of whether they are in a municipality or not. However, a great many of the services which local government provides to most of the residents of Ontario are not available in the remote and sparsely populated areas of our northland.

Very few of these small communities wish to have full municipal incorporation because they recognize that they are too small to take advantage of the full range of services which makes local government economic in

larger areas. In The Municipal Act there are requirements for protecting the public purse. There are requirements for certain records to be kept and for the performance of mandatory services.

From time to time, we are faced with such communities requesting incorporation but because this usually is not an economic proposition it is our policy to discourage incorporation unless economic and financial stability is assured. We decided, therefore, to find a method of providing funds to groups of people in such a way that they were not required to expend a great deal of energy and money on the business of maintaining the vehicle to provide fundamental services.

We have settled upon the establishment of an isolated communities assistance fund. The Minister of Natural Resources will become responsible for a sum of money to be made available at his discretion to individuals and groups in the more sparsely settled areas of Ontario for the purpose of meeting fundamental needs normally met by local governments.

Mr. Reid: That's what is wrong with the programme.

Hon. Mr. McKeough: The fund will be applied to fire protection, water provision, perhaps in a few cases to sewage or water treatment, and other local services fundamental to the maintenance of life and health. A supplementary estimate will be introduced empowering the minister to grant funds to any community organization which can satisfy him of its capacity and intent to provide specific services.

In addition to the voluntary community organizations throughout the north there are—

Mr. Breithaupt: Everything for Kenora.

Mr. Kerrio: Too little, too late.

Hon. Mr. McKeough: —a number of bodies established through provincial legislation which may wish to participate in this programme. Examples are: Local roads boards, boards of education; community centre boards; and recreation committees.

Funding would not be available from the ICAF for the statutory functions of these institutions. We will, however, give consideration to the desirability of permitting these bodies to raise and disburse funds for a much broader range of services than they now perform. In many cases, community organizations have been able to collect sufficient money to provide some services. This programme will reinforce local initiatives.

We will therefore consider introducing legislation giving the provincially established bodies authority to raise limited funds for purposes for which ICAF funds have been granted.

For the balance of 1976-77 we will make available \$250,000 for this fund; and for 1977-78, \$500,000. In subsequent years, depending on demand, response and availability of funds, we will maintain or increase this sum.

The requests for assistance will obviously come from a number of sources. We will be consulting with and seeking the advice of the two associations for unorganized communities—northwest and northeast—which have already been most helpful to us. We have undertaken to fund them so that they can continue to speak for the people in the unorganized communities and make their advice available to us.

The main point of contact within the government will be the Ministry of Natural Resources which, with its regional, district and other facilities, including its northern affairs branch, has offices throughout the north.

I want to emphasize, before closing, that the isolated communities assistance fund will be available only to those communities too far from existing municipal areas to contract with them to incorporate themselves and so be eligible for normal government programmes and assistance.

When we recognize that only about 20,000 people live in the area which I have described here, the money which we are making available is a substantial sum and should alleviate many of the difficulties facing these communities. We are all familiar with tragic fires and difficulties in daily living which faced many of these communities.

It is my opinion that the isolated communities assistance fund will go a long way to solving these problems while those communities which are sufficiently close to population centres to contract with them or to amalgamate with them can meet their pressing needs through normal municipal avenues.

Mr. Speaker: Oral questions.

ISOLATED COMMUNITIES ASSISTANCE FUND

Mr. Deans: Mr. Speaker, I know there is a question but I don't know what it is.

Mr. Breithaupt: Start by asking how much.

Mr. Deans: I don't quite understand—how is this \$500,000 to be administered? On what criteria will the money be handed out? [2:30]

Hon. Mr. McKeough: The criteria are being developed but, basically, I think two rules will apply. The money will go only to communities as distinct from municipalities to be spent on things for which they are not eligible under other government programmes. Am I making myself clear? Secondly, except as a last resort, it would not go to areas which, because of either size or proximity to an already incorporated area, should be incorporated and come under the umbrella of local government.

As to where the requests will come from, I am sure they are going to come from communities themselves and from members on both sides of the House. They will come through the Ministry of Natural Resources to the minister who will administer the fund.

Mr. Reid: Can the Treasurer explain to me why he has ruined the programme from the very beginning, by making it at the discretion of the Minister of Natural Resources (Mr. Bernier) who is already known for his incompetence?

Mr. Speaker: Order, please. Is there a supplementary question?

Hon. Mr. McKeough: Mr. Speaker, perhaps the member would like to suggest how it might be administered. We happen to have confidence in the system whereby there is ministerial responsibility. We don't, on this side of the House, propose to abdicate our responsibility to spend public funds.

Mr. Angus: Mr. Speaker: I am wondering if the minister could advise us what discussions have gone on between the two unorganized community associations with regard to this particular proposal? Are they familiar with it and have they had a chance for input?

Hon. Mr. McKeough: There have been extensive discussions, Mr. Speaker.

Mr. Deans: Can I ask one final supplementary? Wouldn't it appear appropriate, at least for the purposes of the public view of the programme, that it be clearly administered through the administration of the ministry rather than left in the hands of the minister himself?

Hon. Mr. McKeough: Certainly, but the minister is ultimately responsible.

Mr. Reid: He is in charge of patronage in the north.

Mr. Conway: A supplementary.

Mr. Speaker: Because of the interest in this we will allow a supplementary to the member for Renfrew North.

Mr. Conway: A very brief clarification: Could the Treasurer indicate exactly the jurisdiction, again? I am thinking particularly of those areas which lie in a sort of buffer between southern and northern Ontario in the northern reaches of Renfrew county. What is the exact area that would be covered?

Mr. Moffatt: Not Renfrew North.

Hon. Mr. McKeough: Basically, any territory in the province which is unorganized or which, realistically, will not be organized. There may well be areas, broadly speaking south of the French River, which are unorganized and which realistically should not be organized or attached to an organized area and which therefore would be eligible.

I am pleased the member has asked this question because we tend to think of the unorganized parts of the province, those areas without municipal organization, as being only in the north but there are areas of southern Ontario which lack municipal government and which realistically probably won't have a form of local government and for which this fund is available.

Mr. Speaker: A final supplementary, the member for Cochrane South.

Mr. Ferrier: I would like to ask the minister, by way of supplementary, if unorganized areas which lie between two organized areas at this point will be given adequate consideration and full consultation before they are brought into organized areas?

Hon. Mr. McKeough: Yes, Mr. Speaker. There is no intention at this moment to initiate incorporation of areas. I think the statement says that but we will certainly encourage it. There are parts of the province which we think would benefit either by separate incorporation, or more particularly by amalgamation or coming into an organized area. That will be encouraged, but at the moment I don't know of any area where we are going to initiate that ourselves, or at least we would not do so without extensive local consultation.

GSW-CGE MERGER

Mr. Deans: I have a question for the Minister of Industry and Tourism: Is the minister in a position to table the documentation that led to the amalgamation, I suppose it was, of General Electric, Westinghouse and GSW, particularly in those areas which affect the manpower policies of the three companies, to ensure that not only will the overall employment be maintained and improved but that the individual plants will not be detrimentally affected by what is taking place?

Hon. Mr. Bennett: Mr. Speaker, I would not be in a position to table the documents because all documentation really is with the federal government and the Minister of Industry, Trade and Commerce in Ottawa. I shall inquire of the minister in Ottawa as to whether the documents are for public disclosure, and the details of them, and see if it is possible to have them.

Mr. Deans: By way of supplementary question: Has the minister met with his colleague, the Minister of Labour (B. Stephenson), with regard to the effects this amalgamation or coming together, whatever we want to call it, will have on her well under way manpower policies for the province of Ontario?

Hon. Mr. Bennett: Mr. Speaker, first of all we should keep very clearly in mind that the application for amalgamation between two companies does not fall under the guidelines of the FIRA organization. The right to discuss this, that is for the federal minister and I, was given to us by the three companies involved, Westinghouse, GSW and Canadian General Electric. Their obligations were a true indication to the government, both provincial and federal of what they would do.

They have indicated clearly they will maintain the employment and the factories as they presently are. They have also said they might streamline some of the factories and plant locations but there would be no reduction in employment. There is a possibility that 400 new employees will be brought on stream and that over the five-year period \$50 million will be invested in new technology by the amalgamated companies.

Mr. S. Smith: A supplementary for the minister: Is it a fact that a few weeks prior to this deal a GSW plant in Fergus closed? Has the minister assured himself that the two events—the closing of the plant and the ultimate agglomeration of the companies—is not in some way related?

Hon. Mr. Bennett: I am convinced that they are not related. GSW clearly indicated to us that they closed the plant in Fergus strictly for economic reasons. No longer could they manufacture the goods in that plant and stay on a competitive basis.

Mr. Renwick: They always say that.

Mr. Deans: A supplementary question. Isn't that exactly the reason the minister needs to see the documentation that guarantees the jobs? Isn't that the very reason he has to have before this Legislature all of the documents? Doesn't he feel he has a responsibility to the people of Ontario to ensure that he is satisfied, the government is satisfied and the Legislature is satisfied that those people's jobs will not be in jeopardy for economic reasons?

Mr. Warner: No matter what the company says.

Hon. Mr. Bennett: I think at the time I made the announcement regarding the GSW-Canadian General Electric amalgamation I showed proof positive that the reason they were making the amalgamation was that for long-range stability of that industry it must be done. If they were to continue down the road as three separate companies—Westinghouse, GSW, so on—there was no assurance—I would say there was a great guarantee that the whole industry would disappear from the Canadian market because we did not have the size and volume of production to warrant or justify any further investment, nor the security of market position because of costs. Although they have amalgamated, in no way, shape or form did they have an obligation to this House or to the people of this province in any documented form to put it here.

Mr. Deans: But you have an obligation.

Mr. Speaker: Order.

Hon. Mr. Bennett: We brought them to Ottawa. Mr. Chretien spoke with them and got from them the greatest degree of security he could, not having it brought under FIRA. This included that they would indicate in a written statement to him, the federal minister, that they would maintain the five plants across Canada, four of them being in the province of Ontario. There is no legislation which would enable the province of Ontario to get a guarantee of employment from those companies.

I have a great deal of confidence in the men we have been working with. I am sure

the member has met with some of the people in the union in the Hamilton plant. There have been people who have met with the people in the Orangeville plant and I think the unions themselves are satisfied that long-range stability of employment is in this type of amalgamation.

Mr. Speaker: We have a final supplementary from the member for Renfrew South.

Mr. Yakabuski: Mr. Speaker, pursuing the matter raised by the hon. member on the amalgamation of GSW, Canadian General Electric and Westinghouse, hasn't it long been known in the appliance trade in Canada and the United States that there was not room enough for four or five major manufacturers in Canada and that this would have to come to be if the industry was to survive at all?

Mr. Roy: Is that the only contribution you can make?

Mr. Renwick: Is that a question or ministerial statement?

Mr. Speaker: Order, please. Is there a brief answer?

Mr. Renwick: It sounds like a postscript to the ministerial statement.

Hon. Mr. Bennett: Mr. Speaker, I think I have covered that point adequately. The fact is if we did not have amalgamation of these companies, with such a small market penetration by all three of them they eventually would disappear against American competition which enters this country under some very favourable conditions. I think it is in our interests.

PUBLIC HEALTH NURSES' NEGOTIATIONS

Mr. Deans: I have a statement for the Minister of Labour—a question for the Minister of Labour, I am sorry. I keep wanting to make statements; it has been a desire of mine for a long time.

I want to ask the Minister of Labour if she has personally discussed the current state of negotiations or non-negotiations between the public health nurses and the public health board in the Hamilton-Wentworth area? And why would the chairman of the board have said that it wasn't his idea to have meetings this week?

Hon. B. Stephenson: I really don't know why the chairman of the Hamilton-Wentworth board would have made that statement. I have not discussed it with him personally, no. I have had discussions with various other people and certainly with the leadership of the Ontario Nurses Association, but I really have no idea why he would have made that statement.

Mr. Deans: Supplementary: Does the minister have one of her staff from the Ministry of Labour in on those negotiations now? The minister nodded yes, so I assume that's the answer. Could she check with that person, whoever it is, and find out whether in fact there are negotiations taking place or about to take place that will be meaningful and whether the board is prepared to place anything on the table with regard to the demands and requests of the employees in this situation?

Hon. B. Stephenson: Following our course of reasonably active intervention in problematical areas—

Mr. S. Smith: What about problematical intervention in reasonably active areas?

Mr. Speaker: Order.

Hon. B. Stephenson: —the ministry itself has been responsible for arranging some meetings and using the powers of persuasion, which we may or may not have, to invite both sides to the table. That may be the reason that the chairman of that local board has made the statement that it wasn't his idea, but I can most certainly check with the executive director of industrial relations.

Mr. S. Smith: Supplementary: Along this line, is the minister in agreement with the statements recently made by the Minister of Health (Mr. F. S. Miller) that these nurses will never receive compulsory arbitration or any form of arbitration because they're not essential workers? Does she hold to that same view?

Hon. B. Stephenson: I have not heard the Minister of Health make that statement. I think that I should have some discussions with him about it.

Mr. Speaker: A final supplementary.

Mr. Mackenzie: Would the minister consider having the charges of not bargaining in good faith brought against the boards, because it's the boards that seem to be refusing to sit down with the public health nurses?

Hon. B. Stephenson: The Ontario Nurses Association, of course, has the facility of the Labour Relations Board open to it at this time. If they feel that the boards have not been bargaining in good faith, they can lay that charge before the board.

Mr. Deans: I have another question of the Minister of Labour.

Mr. Reid: Would you help the OFL solve their employment problems?

Mr. Nixon: There is discrimination against aged candidates.

Mr. Speaker: Order, please. The hon. member for Wentworth has a question.

APPOINTMENT OF CORONERS

Mr. Deans: Just a short question for the Minister of Labour (B. Stephenson): Are the recent appointments of Dr. Potter and Dr. Archdekin part of her manpower policy?

Hon. B. Stephenson: Since I had nothing to do with those appointments, I'm not really quite sure what the hon. member is asking.

Mr. Deans: I wonder.

Mr. Moffatt: Oh, you still don't know what he meant?

FREEDOM OF INFORMATION LEGISLATION

Mr. Deans: Can I ask the Premier (Mr. Davis) whether he would be in a position some time in the next week or in the next couple of days to table information with regard to what he might intend to do about a freedom of information bill for the province of Ontario?

Hon. Mr. Davis: Mr. Speaker, I don't think I will be tabling any information for members of the House. In discussions some weeks ago I indicated that the Progressive Conservative Party of this province, at its annual deliberations, gave us some advice. I have heard some views expressed by members opposite. It is a highly complex and complicated area, but it is one that the government is assessing.

Mr. MacDonald: Supplementary: Were the news stories inaccurate that it is the Premier's intention to introduce a bill, or to introduce something before Christmas?

Hon. Mr. Davis: I'm trying to recall exactly what the news stories contained. I do

recall discussing it with one or two of the distinguished members of the gallery, of which there are many—

Mr. Singer: How many are there?

Mr. Peterson: Name one.

Mr. Breithaupt: One from column A and one from column B.

Mr. Roy: They should get up and bow.

Hon. Mr. Davis: I can't say there are only two distinguished members of the gallery; they're all distinguished in their own way. That means there's more than one; that means they're all distinguished.

I do recall stating to one or two of them that we were assessing it, yes. I don't recall saying there would be a bill introduced this fall, although that may have emerged out of one of the stories.

Mr. Conway: Still a secret? Is Kealey going to write it for you?

DEATH OF JAMES CULLEN

Mr. S. Smith: A question for the Solicitor General in regard to the death at Inco on April 16 of James Cullen, and the fact that the site of this death was blown up prior to a coroner's jury being able to investigate it: Can the Solicitor General explain the actions of the deputy chief coroner in this case; and in particular can he confirm that Inco did offer to allow the coroner and the jury to visit the site of this accident? Can he also confirm that, in fact, the coroner had the power to order Inco not to disturb the site under section 11 of The Coroners Act and yet did not bother to do that?

Hon. Mr. MacBeth: Mr. Speaker, the only knowledge I have in the matter is a newspaper report that appeared today. I will get some of the information the hon. member has asked for, sir.

Mr. S. Smith: Well just by way of a brief supplementary, would the Solicitor General, when he is seeking this information, in view of the editorial suggesting the need for legislation in this regard, confirm that the adequate legislation is already in The Coroners Act and that, in fact, the investigating coroner in this instance should have used his discretion and his power to order Inco not to disturb the site and should have taken up the invitation to visit it?

Hon. Mr. MacBeth: I will include that in the information, sir.

Mr. di Santo: Supplementary, Mr. Speaker, to the Solicitor General: This is the second case to my knowledge where an inquest—

Mr. Speaker: This is a supplementary question?

Mr. di Santo: Yes. This is the second case where an inquest has been initiated months after the accident. The last case was—

Mr. Speaker: Order please. This is supposed to be a question, not a discussion of the matter.

Mr. di Santo: Yes, I'm coming to the question.

Mr. Speaker: The question, please.

Mr. di Santo: I would like to ask the Solicitor General whether he is going to direct the coroner's office to initiate inquests within a certain number of days or weeks and if he is going to pass legislation to that end?

Mr. S. Smith: That's really a supplementary, isn't it?

Hon. Mr. MacBeth: Mr. Speaker, if that is a supplementary, I'll say no, I have no such intentions. I don't think it would serve the purposes of justice. A certain amount of time, as I explained the other day, is required to hold a proper inquest, and suggesting that it should be held in a matter of a few days or a few weeks would not, I say, help justice.

Mr. S. Smith: In this instance, there was a second inquest anyway.

SPECIAL EDUCATION GRANT

Mr. S. Smith: A brief question of the Minister of Education: Has a decision been reached on the question of funding for the Ontario Foundation for Visually Impaired Children, their pre-school programme for blind children? If he has made that decision, will he share it with the House? I believe they were asking for about \$24,000, if I'm not mistaken.

Hon. Mr. Wells: I'd have to check on that. I can't recall whether we've made that decision yet or not. I'll find out and let the hon. member know.

METHOD OF ACCEPTING APPLICATIONS

Mr. S. Smith: A question, Mr. Speaker, of the Minister of Colleges and Universities: I just wonder if he can share with the House the results of his research and investigation, and could in fact now tell us the list of higher institutions for professional training which accept their applicants on a first come, first served basis as was suggested by the Minister of Education the other day.

Hon. Mr. Parrott: No, I don't have that information yet. I promised I'd get back and I will.

Mr. S. Smith: Thank you very much. I await that with a great interest, Mr. Speaker.

Mr. Good: A lot of active ministers over there.

PUBLIC HEALTH NURSES' NEGOTIATIONS

Mr. S. Smith: A final question for the Minister of Labour with regard to the public health nurses situation and her answer to my question of a few moments ago: Given the fact that the Minister of Health (Mr. F. S. Miller) has said the public health nurses won't receive arbitration because they're not essential workers, could I have the opinion of the Minister of Labour about this? Are we to assume, therefore, there's no possible chance that these nurses will be able to obtain some form of arbitration and that they will be forced to adopt only the strike route? Is that going to be the policy?

Hon. B. Stephenson: Mr. Speaker, the answer to that question, I believe, is no.

Mr. S. Smith: Well by way of supplementary, and in the hope that this will be thoroughly discussed with the Minister of Health, who gave a different answer, can we assume, therefore, that in the eyes of the Minister of Labour the public health nurses do enjoy as high a status as, for instance the LCBO workers who do have arbitration as their recourse in the event of contractual difficulties?

Hon. B. Stephenson: Mr. Speaker, the hon. member is very well aware, I'm sure, that I have said on several occasions in this House that it has been our role and our intention over these many months to persuade both parties to return to the bargaining table to arrive at an agreed upon solution for this round of bargaining—

Mr. Eakins: The minister should consult with the Minister of Health on this problem.

Hon. B. Stephenson: —and then to sit down together with us to try to find a better solution to this problem. I think all possibilities should be taken into consideration in the search for that solution and that is why I very clearly said that I would say no in answer to the member's numerous questions, because I believe there are other alternatives and we should be looking for them. It is difficult to do that in an atmosphere of crisis.

Mr. Eakins: The nurses have suggested a solution.

Hon. B. Stephenson: We would hope that we would have this round of bargaining resolved before that discussion takes place.

Mr. Eakins: What about the nurses?

NORTH PICKERING PROJECT

Mr. Godfrey: A question of the Minister of Housing, if I may, Mr. Speaker: In view of the fact that the Minister of Housing, the Premier (Mr. Davis), and the Attorney General (Mr. McMurtry) have been served with notice by one Roy Bambrough that he will take certain actions if his home in Pickering is invaded by the ministry's agents, what will now be the minister's direction to his agents and officials for the date of November 24, 1976?

Hon. Mr. Rhodes: I was advised this morning that I had been served with some paper. I have not in fact seen that paper. When I do see it I'll determine what action my agents will take.

Mr. Godfrey: Supplementary, Mr. Speaker.

Mr. Speaker: Supplementary.

Mr. Godfrey: I asked the question because this paper was served on the three members I spoke of, and it was served last Friday. Would the minister permit me to redirect the question to the Premier?

Hon. Mr. Rhodes: On a point of order.

Mr. Speaker: Order please. Point of order.

POINT OF ORDER

Hon. Mr. Rhodes: On a point of order, Mr. Speaker. That is not correct. I was not served with the paper on Friday.

Mr. Godfrey: Your agent was.

Hon. Mr. Rhodes: The member said I was served. I was not.

Mr. Speaker: You've had one question. The hon. minister did not suggest it be redirected. It is probably the same question, is it, to each of them?

Mr. Godfrey: It is the same question—

Mr. Speaker: Order please. It is a little different procedure than we've been used to. I think we'll wait till the hon. Minister of Housing reports to you.

SOLICITOR-CLIENT COMMUNICATIONS

Mr. Roy: A question to the Attorney General: In view of the fact that his colleague, the Solicitor General (Mr. MacBeth), would not allow me to see the authorization in question in the Turner case, will the Attorney General allow my viewing of that authorization in view of the fact that it would appear that the position he is taking about the confidentiality is not the position taken by his law officers for the Crown, at least in Ottawa.

I have here a copy of an authorization in another case in Ottawa in which photocopies were given to defence counsel and were put in as exhibits in court.

Hon. Mr. McMurtry: In my view, Mr. Speaker, they should not be handed out. The Criminal Code—

Mr. Reid: You haven't been right yet.

Hon. Mr. McMurtry: —makes it quite specific that these documents are to be treated as confidential. As a matter of fact, I am convening a meeting of the regional Crown attorneys this week in order to clarify this. In our view the Criminal Code makes it perfectly clear that these are confidential documents and if they have been handed out by Crown counsel in parts of the province, my position is simply that they should not have done that.

Mr. Roy: Supplementary: In view of the fact that the Attorney General takes the position still that they are confidential, how is it then that—

Hon. Mr. McMurtry: The Criminal Code takes that position, it isn't—

Mr. Roy: No, it is the minister's interpretation of the Code—

Mr. Speaker: Order please. Is there a supplementary?

Mr. Roy: The Attorney General has lost before.

Mr. Speaker: Order please. Would the hon. member place his supplementary question? Thank you.

Mr. Sargent: Lost it again, it would be a good idea.

Mr. Roy: Supplementary: Is it the minister's position then that the Crown attorneys in Ottawa are breaking the law? Is it his position as well that Judge Flanagan in Ottawa, who made this an exhibit and referred to the body of the authorization in a judgement, which is on public record, is breaking the law as well?

Hon. Mr. McMurtry: No. A clear reading of the Criminal Code makes it quite clear that these documents are to be treated as confidential. They are not to be handed around for the very simple reason that there are a number of names that are referred to in these authorizations of people who are suspected—

Mr. Roy: Let me see it.

Hon. Mr. McMurtry: Just let me finish, would you please?—of people who are suspected of criminal activity. Now the member should appreciate—

Mr. Roy: Well what is their charge?

Hon. Mr. McMurtry: —having some experience in this, that this would be a very serious and gross interference with their rights as individuals to have their names bandied about as people suspected of criminal activity when they have not been charged with any criminal offence, let alone convicted of any criminal offence.

Now these authorizations are introduced as exhibits in voir dire—

Mr. Roy: Which the public should go into.

Mr. Speaker: Order.

Hon. Mr. McMurtry: —and I am not surprised that a judge would make reference to it. An exhibit entered as an exhibit during a voir dire is not a public document, and the member knows that.

Mr. Roy: The judgement is—

Mr. Speaker: Final supplementary; the member for Ottawa East.

Mr. Roy: Is it the minister's intention, as Attorney General of this province, to introduce legislation, as I thought he was quoted in the paper as indicating, in prohibiting the activity of the police in this case, that is, intercepting a solicitor-client communication. Does the minister intend to go by way of policy or legislation?

Interjection.

Hon. Mr. McMurtry: Firstly, as the member knows, any such legislation would be clearly outside the jurisdiction of this province. Secondly, I said we were developing very specific guidelines to protect the confidentiality of solicitor-client relationships wherever possible.

Mr. Roy: That hasn't stopped you before.

Mr. Speaker: Order.

Mr. Roy: Are you going to let us know?

Mr. Sargent: You are protecting yourself.

DRUGS MAGAZINE

Mr. Swart: My question is of the Attorney General also. Will he recall that I asked him to determine whether he could take action against the newsstand sale of the drug-pushing book *High Times*; and after some preliminary view he stated, and I quote from Hansard: "I will try to report to the House much more fully on Monday." That Monday was two weeks ago today. Can he belatedly report on this to the House now?

Hon. Mr. McMurtry: The hon. member was to leave me with a copy of that particular edition, which he left with me for a few moments. Then he will recall that he took it away with him because of an impending press conference.

Mr. Peterson: Beat you to it, eh, Roy? You are mad.

Mr. Speaker: Order.

Hon. Mr. McMurtry: The member chose in his wisdom not to return the copy to me. Notwithstanding that fact, I have requested my senior law officers to give an opinion. I am sorry, I am not yet in possession of that opinion. I will advise the House as soon as it has been received.

Mr. Swart: Supplementary, Mr. Speaker: Inasmuch as I contacted the Attorney General's office immediately after the question period and a member of his office staff by

the name of Mr. J. Rawsome said they had copies of it and were looking into it; in view of the fact that he later said they were looking at it very very closely under section 422—which is the incitation of another person to commit a crime—and they expected to have a report shortly, and that was conveyed to me by telephone 10 days ago—

Mr. Speaker: Is there a question?

Mr. Swart: —can he tell me now if he has had a report under that section of The Criminal Code?

Mr. Breithaupt: He said no.

Hon. Mr. McMurtry: If I may just repeat what I said a moment ago, Mr. Speaker, I have not received a report.

AUCTION OF GUNS

Mr. Singer: Mr. Speaker, I have a question of the Attorney General. In view of the fact that the Premier (Mr. Davis) last August made quite a point of saying that Ontario wanted strict gun control and if the Ottawa government didn't enact it Ontario would, and in view of the great concern expressed by a coroner's jury in Toronto last week about the failure of what controls there were to prevent a sniper from shooting people in downtown Toronto, can the Attorney General explain to us why the sheriff of the judicial district of York sells by public auction one Winchester, model 94, .32-calibre lever-action rifle; one Remington Sportsman, model 58, 12-gauge shotgun repeater; one Cooney, model 840, 12-gauge, full-choke, single-shot shot-gun; one Browning, .32-calibre, semi-automatic pistol with clip and case; one Luger Mark I, .22-calibre semi-automatic pistol—

Mr. Speaker: I think the list is long enough. The hon. member must recognize—

Mr. Singer: —and one hunting knife.

Hon. Mr. Kerr: Were you at the sale, Vern?

Mr. Singer: Yes.

Mr. Peterson: Now, how do you feel about the hunting knife?

Hon. Mr. McMurtry: I don't know the circumstances of that sale other than that I would imagine that I would assume that it had something to do with an execution that had been realized, and a public auction with respect, I think in that particular case—

Mr. Sweeney: Execution before or after?

Hon. Mr. Rhodes: Oh, come on, don't be a hero, Sweeney. You are a loser from the word go.

Mr. Speaker: Order, please.

Hon. Mr. McMurtry: —in relation to a gun collection. That's all the information I have at the present time, I will attempt to obtain additional information and inform the hon. member and the House.

Mr. Singer: Supplementary: Would the Attorney General undertake to make sure that any law officer over whom he has control, such as the sheriff of the judicial district of York, should not embark on this kind of a programme unless or until there are strict controls to make sure that no tragedies might take place in the future, such as the coroner's jury complains about in its recent report?

Hon. Mr. McMurtry: I think that's a reasonable suggestion, Mr. Speaker.

[3:00]

LACK OF COURT FACILITIES

Mr. Hodgson: Mr. Speaker, the question I am going to ask is going to relieve all that problem, if the Minister of Government Services will give us a report. Could the minister give us a progress report on the long-awaited and much-needed courthouse and registry office in the region of York at Newmarket?

Mr. Nixon: I am glad you asked that question.

An hon. member: It's okay. It's a PC riding.

An hon. member: There is an election coming.

Mr. Speaker: Order, please. Is there a brief report?

An hon. member: Give us the courthouse, Margaret.

Hon. Mrs. Scrivener: Mr. Speaker, this project is developing satisfactorily.

Mr. Breithaupt: From whose point of view?

Mr. Speaker: Order, please.

Hon. Mrs. Scrivener: To the best of my knowledge, it is on schedule—

Mr. Sargent: Whose riding is it in?

Mr. Speaker: Order, please.

Hon. Mrs. Scrivener: —and although there was a brief delay while we revised the design to incorporate solar heating, I think we have caught up the lost time. The job will be ready to go to tender next June—

Mr. Nixon: Next June? That is a little late.

Mr. Speaker: Order, please.

Hon. Mrs. Scrivener: —and I expect we would be breaking ground early next summer.

Interjections.

Hon. Mrs. Scrivener: Mr. Speaker, I would add one thing. This job will create about 200 contracting jobs in the area.

An hon. member: You can't even build courthouses—

Mr. Speaker: Order, please. There are far too many interjections this afternoon. Order, order.

MANPOWER TEMPORARY SERVICES

Mr. Breaugh: Mr. Speaker, I have a question for the Minister of Labour: Is the minister aware of the practices of an agency called Manpower Temporary Services in Oshawa that now has some 35 people working in a plant called Supreme Aluminum in Pickering? The agency in question pays those people \$2.90 an hour although the going rate in the plant is between \$4.10 and \$5.10 an hour. There are no benefits paid and there is no overtime paid. Is this practice legal in Ontario?

Hon. B. Stephenson: Mr. Speaker, I am not aware of that specific instance, but I shall attempt to investigate it and report to the House.

WATERLOO REGIONAL HEADQUARTERS

Mr. Good: Mr. Speaker, a question of the provincial Treasurer. This has to do with a controversy over a regional headquarters being purchased in Waterloo region. Since the regional chairman has stated, according to newspaper reports, that the only way the province will purchase the former Waterloo county courthouse from the region is if the region acquires the K-Mart site now for regional headquarters if this is correct, why does the province resort to this type of financial blackmail to push an unpopular issue for the regional chairman?

Hon. Mr. McKeough: Mr. Speaker, I saw that press report and I must say I was somewhat confused about it. I don't know just what the chairman may or may not have had in mind. I didn't pursue it because I just didn't think it was all that important. Whether he was misquoted or what, I am not sure what he had in mind. The Minister of Government Services (Mrs. Scrivener) actually has been corresponding with the region of Waterloo and the member may want to direct a question there, but I am not aware of what he might have meant by that particular statement.

Mr. Good: Mr. Speaker, by way of supplementary to the Minister of Government Services—

Mr. Speaker: Order, please. We didn't allow the transfer from one minister—I am sorry, I believe the hon. Treasurer did refer it.

Mr. Good: All right. I will redirect the question then to the Minister of Government Services.

Mr. Sargent: Somebody should know something.

Hon. Mrs. Scrivener: Mr. Speaker, I will ask the member to clarify his question.

Mr. Good: The regional chairman is quoted as saying in the paper that the only way the province will buy the former courthouse site is if the region now, at this time, buys the K-Mart site for a regional headquarters. My question is why, if this is correct, does the province resort to that type of financial blackmail to help the regional chairman promote an unpopular issue within the region?

Hon. Mrs. Scrivener: Mr. Speaker, despite the member's intemperate language, I would suggest that in actual point of fact my ministry and this government are attempting to accommodate the regional government and assist them in their efforts to acquire the property.

Mr. Good: Supplementary then, Mr. Speaker.

Mr. Speaker: Order, please. Order. May I just suggest—

Mr. Good: Short supplementary. A yes or no supplementary.

Mr. Speaker: Yes or no? All right.

Mr. Good: Mr. Speaker, a short supplementary: Am I correct in assuming from the minister's answer that the province is not making an ultimatum as to time as to when it will purchase the courthouse site? That it must be now?

Hon. Mrs. Scrivener: There has been no ultimatum at any time. There has been only the greatest degree of co-operation.

Mr. Breithaupt: It is like beauty in the eye of the beholder.

Mr. Speaker: Order, please. The comment I started to make when somebody threw me off a moment ago was that really there has been too much editorial comment in some of the questions this afternoon. That does not form part of the proper question period.

The member for Cambridge with a final supplementary.

Mr. Davidson: Is the minister saying that the chairman of the region is distorting the facts?

Mr. Singer: Deliberately.

Hon. Mrs. Scrivener: Of course not, Mr. Speaker.

Interjections.

CAPITAL GRANTS PROGRAMME

Ms. Sandeman: A question of the Minister of Agriculture and Food: In view of the fact farmers' wives, even though they are legal partners in the family farms, cannot qualify under the provincial capital grants programme, could the minister inform us what steps he is taking to end this discrimination against married women?

Hon. W. Newman: Mr. Speaker, I have no discrimination against married women, I can assure you. The capital grants programme was set up—

Interjections.

Mr. Speaker: Order, please. We are wasting valuable time here.

Hon. Mr. Rhodes: I know one quite well. One of my best friends is a married woman.

Hon. W. Newman: The capital grants programme was set up to help the individual farmer on the farm. Often, in many cases, the husband and wife work diligently together to make the farming operation a worthwhile

operation, but there is only one grant per farm unless it is an incorporated farm.

Ms. Sandeman: I am sorry. I don't understand why, if the husband and wife work diligently together, they cannot be considered a partnership when the programme considers a father and a son who have a written agreement and are both active on the farm to be eligible under the programme. Why cannot a husband and wife, who have a written agreement and are both active on the farm, have eligibility as a partnership and both be eligible for the grant?

Hon. W. Newman: The legislation is one thing, and another reason is this: I happen to have a farm and I am entitled only to one set of capital grants; my wife hasn't asked for the other set yet. I am not being discriminatory against women; don't get me wrong.

Mr. Breithaupt: He doesn't discriminate.

Mr. Eakins: That is not what she says.

Interjections.

Hon. W. Newman: The members who have been around here a long time know me better than that.

Interjections.

Mr. Speaker: Order.

Hon. W. Newman: I said that when there is an incorporation there is an allowance for double capital grants but when one farm means a husband and wife, they are only entitled to one set of grants.

SEVERN PARK DEVELOPMENT

Mr. Riddell: Mr. Speaker, in the absence of the Minister of Natural Resources (Mr. Bernier) perhaps the Provincial Secretary for Resources Development could answer this question. What could possibly be the rationale of the Ministry of Natural Resources, or the provincial secretary if he was involved, when it was agreed to turn over a 25-acre parcel of wooded land south of Grand Bend known as Severn Park—which was owned by the province and was a beautiful wooded stand—to Grand Bend and Bosanquet township for development purposes, considering that directly across the road there is also land owned by the province which is scrub land and could be used for development purposes?

Mr. Eakins: Tell him you don't know.

Hon. Mr. Irvine: Mr. Speaker, I was not part of the discussions nor part of the policy decision which apparently has been implemented by the Minister of Natural Resources. I would suggest the member direct that question to the minister.

Mr. S. Smith: What do you do?

Interjections.

Hon. Mr. Henderson: Are you opposed to it? What do you stand on?

Interjections.

Mr. Speaker: Order, please. That question is finished.

Mr. Nixon: Mysterious self-effacing ministry.

Mr. Riddell: Can I redirect the question to the minister?

Mr. Speaker: No. We want to get on with the next question, if you please.

Interjections.

ENGLISH FOR NEW CANADIANS

Mr. Grande: Mr. Speaker, my question is to the Minister of Education. Is the minister aware that in Heydon Park Secondary School in Toronto there are 52 students who need classes in English as a second language on a full-time basis, and they're receiving these classes for only 30 minutes a day? At Heydon Park there is only one teacher who teaches these classes. Is the minister suggesting through this that the class size for new-Canadian children should be 52 to one?

Hon. Mr. Wells: Of course, I'm not suggesting that. As my friend knows, these are matters that are really left up to the determination of local boards, which have a high degree of autonomy in this particular area and must decide on the priorities that they wish to place on particular programmes such as this. I place a much higher priority than that on English as a second language, and always would. I'll be happy to look into the matter that he's raised, but I must point out to him that really the responsibility for that situation rests with the trustees of the Toronto Board of Education.

Mr. Grande: The minister said he would look into it. Would he contact the director

of education for the city of Toronto because the teacher there—

Mr. Speaker: Place the question, thank you.

Mr. Grande: Mr. Speaker, I'm directing a question.

Mr. Speaker: I heard the question. You don't need to explain why. This is supposed to be supplementary.

Hon. Mr. Wells: As I've indicated, I'll be happy to look into it, but really the responsibility for this rests with the local board. If we believe in local autonomy, some of these things have to be settled where the responsibility falls.

EMPLOYMENT TAX CREDIT

Mr. Sargent: A question to the provincial Treasurer: Without editorializing at all, the Treasurer has been doing a lot of jaw-boning around the province about the high cost of welfare—

Mr. Speaker: What do you call that? Is there a question?

Mr. Sargent: —and doing very little about it. In the makeup of his mini-budget I'm wondering is he planning to give small employers tax credits for taking people off the welfare rolls?

Hon. Mr. McKeough: What will be done tomorrow will be announced tomorrow.

Mr. Sargent: Supplementary.

Mr. Speaker: Order, please. That question really was not proper because you're asking about something that's going to happen tomorrow which will be disclosed, so you're wasting the time of the House.

Mr. Sargent: I want to know today.

Mr. Speaker: Order, please. We've allowed the member a question.

Mr. Sargent: Mr. Speaker, on a point of privilege.

Mr. Speaker: What is your point of privilege?

Mr. Sargent: The Minister of Energy (Mr. Timbrell) said the credit rating of the province of Ontario was—

Mr. Speaker: Order, please. That has nothing to do with this question. It's not a point of privilege either.

Mr. Sargent: He told me—

Mr. Speaker: Order, please. The Treasurer's plans will be disclosed tomorrow night.

Mr. Sargent: He gave me misinformation, Mr. Speaker.

Mr. Speaker: Order, please.

Mr. Sargent: He misled me; yes, he did.

Mr. Speaker: Order, please. I know the hon. member said that in jest but it should not be used.

Mr. Sargent: Do you want to hear me out then?

Mr. Speaker: No. Order, please. I want the member to sit down. We let the member finish his question. I pointed out, however, that the question was out of order because it had to do with something that's going to be disclosed tomorrow evening and, therefore, is not proper.

Interjections.

Mr. Speaker: Order. We don't need all the heckling in and out. Does the hon. member have a legitimate question? We will allow it today.

Mr. Sargent: Yes, I do. Any questions we ask are legitimate down here.

Mr. Speaker: Let's try it on for size then.

Mr. Sargent: Discussing tomorrow's budget with the Treasurer, I want to tell him that the Minister of Energy told me the triple—

Interjections.

Mr. Speaker: Order, please. It's the question period now.

ONTARIO'S CREDIT RATING

Mr. Sargent: The question is this, then: Does the Treasurer know that the credit rating of the province of Ontario as of Friday was a double-A rating, as opposed to what the Minister of Energy told me, that it was a triple-A rating? He said they were watching it very closely and were very concerned about the continuing deficit.

An hon. member: That's Trudeau.

Mr. Sargent: That's my point of privilege. Who knows what's going on down there?

Mr. Speaker: The hon. member has asked the question. Is there a short answer?

Hon. Mr. McKeough: We have a double-A rating with one agency and a triple-A rating with another agency. Both of them are well. Both of them are watched.

Mr. Moffatt: You have no rating with the people.

Hon. Mr. McKeough: The rating agencies have complete confidence in the government of this province and the people of this province.

Mr. Speaker: The oral question period has expired.

Petitions.

Presenting reports.

REPORT

Hon. Mr. Parrott presented the financial report of the University of Toronto for the year ended April 30, 1976.

Mr. Speaker: Motions.

[3:15]

MOTION

(Hon. Mr. Welch moved that the referral to the resources development committee of Bill 139, An Act respecting Employees' Health and Safety, be discharged and the bill be referred to the standing social development committee.

Motion agreed to.

Mr. Speaker: Introduction of bills.

ELECTION FINANCES REFORM AMENDMENT ACT

Mr. Samis moved first reading of Bill 164, An Act to amend the Election Finances Reform Act, 1975.

Motion agreed to.

An hon. member: The socialists are looking for more money.

An hon. member: No, no, Liberals.

Mr. Samis: Mr. Speaker, this bill requires that every candidate in a provincial election file with the Commission on Election Contributions and Expenses a list of his or her personal assets as part of his or her application for registration with the commission, thereby making such disclosure a prerequisite to the acceptance of campaign contributions.

ELECTION PUBLIC OPINION POLLS AND SURVEYS ACT

Mr. Samis moved first reading of Bill 165, An Act respecting Election Public Opinion Polls and Surveys.

Motion agreed to.

Mr. Samis: Mr. Speaker, this bill prohibits the publishing and broadcasting of public opinion polls and surveys during an election where the polls or surveys relate to the outcome of the election or the standing of any leader, candidate or party in that election.

Mr. Breithaupt: That is called freedom of the press.

CONDOMINIUM PROPERTY MANAGEMENT FIRMS ACT

Mr. Leluk moved first reading of Bill 166, An Act to register Condominium Property Management Firms.

Motion agreed to.

Mr. Leluk: Mr. Speaker, this bill provides for the registration, bonding and inspection of condominium property management firms.

Mr. Samis: I have a third bill, Mr. Speaker.

Mr. Speaker: Oh, I'm sorry. The member for Cornwall.

Mr. Samis: This is the day, Mr. Speaker.

LIQUOR CONTROL AMENDMENT ACT

Mr. Samis moved first reading of Bill 167, An Act to amend The Liquor Control Act, 1975.

Motion agreed to.

Mr. Samis: Mr. Speaker, the purpose of this bill is to enable independent owner-operated grocery stores to sell beer and apple cider.

Mr. Speaker: Orders of the day.

FAMILY LAW REFORM ACT (continued)

Resumption of the adjourned debate on the motion for second reading of Bill 140, An Act to reform the Law respecting Property Rights and Support Obligations between Married Persons and in other Family Relationships.

Mr. Warner: Before I begin, Mr. Speaker, while the Attorney General (Mr. McMurtry) is getting things organized, I would like to pass along some congratulations to him with respect to this particular document. It is a great improvement over his efforts on violence in hockey, and I know that his concern for this legislation will see an implementation that we've been waiting for for some time. I know he is anxious to see a good set of laws introduced, no matter how many amendments it takes.

Mr. Philip: Don't resign.

Mr. Warner: I have a few questions for the Attorney General with respect to the principles outlined in this bill. I'd also like some of his suggestions as to what must be done by other ministries in order to make the intent of this legislation become real.

Section 13 deals with persons who are aged 16 and under and those who are, I take it, aged 18 and over. I wonder if the Attorney General can envisage difficulties for persons who are 17 years of age. I think particularly of those persons who are very likely to be in high school at age 17, who could have suffered some family breakdown that affects them either directly or indirectly. In other words, a person who is aged 17 may have had to leave the house on his own or her own, or the family itself may have been split, and yet that person would like to remain in school. Is there no parental obligation towards that individual?

I'm sure the Attorney General is well aware of the situation. I had one instance in our community where a person aged 17 was involved in a family breakup, and, of course, the Children's Aid had no jurisdiction over that person. The individual wished to remain in school, and had it not been through the efforts of a local community organization to find a home for that person to stay in—and it turned out to be my place—that individual would have had no other route to follow except to leave school and seek employment on his own.

As it turns out, that person today was able to have completed his education, is fully employed with a skilled trade, is married and enjoying a reasonably decent life. But that didn't come about, I submit, through any protection of the law. It's that part that disturbs me. There should be some protection of the law in that regard, and the Attorney General knows more about the area than I do, and I would welcome his comments.

Regarding the notes appended to the actual legislation, I commend the Attorney General for doing this; I really wish more ministers would take the same kind of approach. I am not a lawyer and it really makes it much easier when I can read the material in front of me. In the notes there is a phrase used which says the person had a "settled intention—"

Hon. Mr. McMurtry: What page?

Mr. Warner: I am sorry, page 17 of the preamble. The phrase "settled intention" is used with respect to a guardianship, or I should say a stepchild. I am wondering if that phrase has any relationship to guardianship. Would that include, for example, the case where an individual had put in his or her will that immediate children of the family were to come under the guardianship of some other person upon the decease of either of the parents? I would like an explanation, if it is possible, of settled intention.

On page 20 of the preamble it talks about attachment of earnings, referring generally to section 16 of the bill where it talks about support payments in general. I am wondering if the Attorney General has some suggestion as to what to do about those persons who originally had the obligation attached here in Ontario and then leave the province for either some other province in Canada or some other jurisdiction outside of Canada. As the Attorney General appreciates, it's a very real problem.

On Thursday, the very day last week when we began the debate of this legislation, I had a young woman phone my office. The woman has one child, 10 months of age. The family broke up and the husband left. The court decided the husband should have support payment obligations to the mother. That's all well and good, but the father then took upon himself to harass the mother and child, both verbally and physically. The woman felt that if she were to lay a charge to have the husband dragged into court to maintain his obligations, she would encounter some more physical abuse. That's a very real problem for her obviously.

Because of the fact that she hadn't laid the charge, she was not eligible for mother's allowance; so she has no visible means of support at that point. Her friends and relatives were reluctant to take her in because of the violent nature of her husband. Finally, she ended up staying at her mother's place. In conversation with her, she eventually re-

solved that she would go and lay the charges at the police station and have the husband taken back into court and try to wrench the support payment from him.

I am wondering if the Attorney General would have a comment as to whether or not some of this could be solved by working through The Income Tax Act or through having automatic deductions through payroll or some accounting through the T4 slips of the Department of Revenue, and if that would answer some of the problems of those people who leave the province, go to other provinces and then decide not to keep up their payments.

At the bottom of page 20, and again I believe it refers to section 16—

Mr. Deputy Speaker: If you are going to refer to the bill section by section, this might more appropriately be brought up under clause by clause in committee stage. This is second reading, where you deal with the overall principle of the bill.

Mr. Warner: Mr. Speaker, I am dealing with several principles of the bill, this one in particular that a person who defies a court order should be sent to jail. It's part of the principle of the bill. I am questioning the use of such a procedure. Rather than supply a support base for the person, does it not really take away from the possible income that the family that is left really needs? Would it not make more sense to garnishee wages or to seize property or have some other alternative, because the person who has been offended is the one who requires the help. By putting someone in jail, you are taking away the help that the one who has been offended really needs.

[3:30]

In parts of the bill it talks about having access to records for the purposes of tracing. I am wondering if the Attorney General could comment on how he intends to monitor that so that there are no abuses of one's privacy, of the rights of the individual? If we are going to have access to records then there must be some safeguard, it seems to me, and I say that in the light of the comments I just made a few moments ago about looking at the possibility of using the income tax system or the T4s. Again, there is some privacy that the minister is responsible to uphold and respect and I would appreciate the Attorney General's comments on it.

In another portion of the bill where it talked about loss of consortium, there's a line which struck me as being rather curious

—certainly for the Attorney General's interest if not the Speaker's—on page 38: "Outright abolition of the action might be going too far." I am wondering, although it is not explained in the document that was left with me, if the Attorney General might explain what's behind a statement like that?

Hon. Mr. McMurtry: I am sorry. What page is that again?

Mr. Warner: Page 38, right in the middle of the page. It says, "Outright abolition of the action might be going too far." It is in reference to consortium. I am wondering why he feels that's going too far? Again I am looking at it not so much from the standpoint of the lawyer, obviously, because I am not a lawyer, but from a common sense standpoint, that where the person has suffered damages, the Attorney General is proposing that there be "a new action for damages caused by wrongful conduct which results in injury to a spouse." Does it not make sense to have a suit brought by the person who has suffered the damages? Would that not be a more direct way to deal with it?

In other words, the person who has suffered the damages should be the one then who initiates a suit to recoup whatever he or she figures should be coming to him or her. In the case of a minor, obviously, it has to be done by a guardian or someone appointed by the court or whatever, but at least for someone who is 18 years of age or over perhaps that person is the one to launch the suit.

In adopting the principles of this family law reform, to put it in the sort of common terminology that has been used, we may in fact end up, through amendments, coming up with an extremely good piece of legislation that in the courts is going to protect the rights of many people, particularly women, who have not had their fair share of things in our society over the years. We may very well do that, and that's fine. What concerns me is that it may just stop there. I would very much welcome some comments from the Attorney General as to how he views this legislation being used to promote some other activity within our society in Ontario which is needed to help women, particularly women, become independent individuals.

To be specific, in my experience so far one of the people who has the most difficult time is a woman who has a family and is on her own. She has been out of the work force for perhaps 10 or 15 years. She has suddenly had to re-enter the work force, through family breakdown or through her

husband dying, and she decides that one way she can re-enter the work force is by attending a post-secondary institution, college or university, to upgrade her own skills so that she can go back and get a good job.

When she decides to do that and she makes that decision, she then comes under several handicaps. Firstly, because she is working and taking courses part-time she will not be eligible for any student aid. Secondly, because she is now going out nights to attend courses, and work, she has to bear the cost of child care, both during the daytime, when she is working, and on whatever evenings she attends her courses.

Because she is a woman she is going to be faced with lower wages than men. That is just what is happening, has happened, and continues to happen. So her expenses become considerable, and yet her wages often won't be very much. I realize the minister is trying to make sure that this woman, after a family breakdown, is going to be guaranteed a certain amount of money—though again I would certainly echo what my colleagues have said about taking the total assets, adding them all up and dividing by two. I subscribe to that notion. But beyond that, she encounters barriers that I would not encounter and the minister would not encounter. I am wondering what kind of thrust the government can take, in ministries other than his own, to support what he is trying to do in family law reform? I think it is extremely important. It boils down to attitudes in a lot of cases, agreed. But surely the government has an obligation and responsibility in terms of attitude as well.

If our attitudes have been in the past that a woman who is at home raising children while the husband has been busy developing a business—whether that is a medical practice, or a law practice, or the corner store—is not entitled to some benefits from that activity, and if the minister is going to change that in law then surely he has to do something to change the attitudes as well. Those attitudes are still prevalent and as much as he and I know that one doesn't legislate wisdom, one doesn't also legislate attitudes.

Maybe in some sense it is not fair to place the whole onus of a response upon the Attorney General, Mr. Speaker. Perhaps it really requires a response from the Minister of Labour (B. Stephenson) and the Minister of Colleges and Universities (Mr. Parrott), and the Minister of Housing (Mr. Rhodes), and so on. But I would be very interested

to hear his response on behalf of the government that he is a member of.

What kinds of things can the government do to help foster a better attitude towards women in our society? I have run into it—and I am sure the Attorney General has, too—the attitude within my own riding of people who will say, “The woman’s job is at home raising the family. She didn’t help build this little business that I am working on. Therefore, if we split up as a couple she is not entitled to very much.” In fact, I had one person who is going through this kind of circumstance come in to my office and tell me that he really didn’t think his wife should have any part of the house because, after all, he had listed the house in his name.

Those are deep-seated attitudes, and we are not going to change them through legislation, I am sure the minister is well aware of that. So I would like to know how the government proceeds from here in enacting the legislation by changing attitudes so that we have things on an equal footing.

I know that at some point the minister will, I assume, come back with the response about the totalling of assets to be considered as a total package. I take it the Attorney General is not an unreasonable person; that he has listened to the arguments put forward. I say that because I know that he has a firm grasp of his ministry, and a full knowledge of what is going on.

I ask him to consider for a moment the person who has, in fact—and this is a real case, not a figment of my imagination but a real case—a woman who was part of a marriage for 25 years, whose husband was working all of that time and who had built his business, a small business. The woman had remained at home for the 25 years, raising the children. Obviously, if you’re involved in business or if you’re a lawyer or in some other profession, your hours are extensive. The person was working more than 40 hours a week and that, of course, put a greater strain upon the wife to raise those children and to take care of the family needs.

In many cases, the wife ends up doing all of the bills for the house, answering mail, answering phone calls and everything else because the husband isn’t there. That is sort of a personal comment as well, I take it, for most males who are elected members of this assembly and who leave their wives—

Mr. Bain: What about the women?

Mr. Warner: Sure, it works both ways. Upon dissolution of that marriage there comes

the question of what the woman has contributed. What I submit is that she has contributed time and effort which freed the man to pursue his career and, in many cases, has curtailed her own career.

I certainly don’t mind saying, in a very personal way, that it’s a circumstance I went through and I’m sure many members of this House have gone through. My wife cannot pursue her own career because of the job I have to try to perform as a member of the Legislature. If, at some point, we were to break up then her career would have cut off several years before, she isn’t likely to be able to follow her career or to pick it up after 10 years’ or 15 years’ absence. That’s a real loss to her and how on earth do we measure that in dollars and cents? We can’t.

The only way to measure it is by what’s left and that’s what we’ve been talking about. We can’t measure what she lost in terms of a cut-off career or a job she was cut off from so the only way we can measure it is by what’s left. That’s why I say we take what’s left, total it up and divide it in half.

I couldn’t be as active a member of this Legislature as I am if it were not for the fact that my wife maintains the family unit at home. She answers the phone calls when I’m not there; she takes care of the children and she makes sure they’re off to school and so on—all of the things I could be involved with if I had a job which took 40 hours a week. Is it not fair to her that she should have at least half of whatever assets are there?

Unless I’ve misread the bill—the member for Etobicoke (Mr. Philip) knows that isn’t likely—I take it that there is still, in some circumstances, an obligation toward proving circumstances for breakdown. If my reading of it is correct, I would appreciate a response from the Attorney General. Is it not possible, within this bill, to talk rather in terms of no-fault, or not having to prove circumstances?

What we’re dealing with is two people who have decided for whatever reasons—they’re their reasons, not ours—not to continue as a married couple. Can we not simply deal with the assets which are there? Why do we have to go into the reasons for the breakup? The attachment of fault to one side or the other doesn’t seem to be productive. Aside from the fact that we’re invading privacy of individuals, is there any productivity to such an activity? I don’t see that it produces anything worthwhile.

If we want to be involved in the legislation of morals, fine; maybe there's some advantage to discovering why couples have broken their marriage. But I don't think we legislate morals, either. We set them by example and I'm sure that the government, in its own way, sets examples for people to follow. We have often argued those haven't been very good examples but nonetheless it does set examples.

[3:45]

I, like many other members of this House, welcome the introduction of family law reform. It's too easy in some sense just to sit back and say it's long overdue. We all know that. The Attorney General (Mr. McMurtry) knows that and he wasn't in the House before. It has come through a great agony to produce a document such as that. I would be less than forthright, however, if I didn't say that I believe this legislation is in need of many amendments, some pretty basic. I think I would say that the totalling of assets is a very basic part of this legislation and, quite frankly, unless there are some changes in that regard, I don't think I could support this bill on third reading. I really look forward to our debate in clause by clause and I feel confident that the Attorney General likely will come forward with many amendments before we even begin.

In closing, I would stress that to bring in a law is one thing but to work at the substance of the law with respect to the very basis of our society is entirely another matter, and it will require more than the institution of this law to bring about some of the change in attitudes and the change in fair play that's needed. The Attorney General is probably aware that I have had occasion to visit several colleges and universities in the province and have met with working women, and it's the same story wherever you go. There is hardly a female administrator in the system. There are a few. The women are paid less money than men and they do not have decision-making powers. They are left, in many cases, without a voice. So the women in this province will be very happy to know that the Attorney General is making changes in the law, but I think they would be even happier to know that he was taking a positive step, a leadership role, in trying to get attitudes changed and in trying to get a more equitable base for them to operate upon as persons in our society.

I look forward to working with the rest of the House in helping to take a good bill down the road to become an even better bill and helping to create the kinds of attitude changes that are needed in this province of Ontario.

Mr. Givens: Mr. Speaker, I don't think there has been a bill in my recollection, and I don't imagine there will be a bill for many years to come, for which any minister will receive the accolades and the congratulations and the paeans of praise that the present Attorney General is receiving with respect to the introduction of this bill dealing with family law reform.

Hon. Mr. McMurtry: There have been a few brickbats.

Mr. Singer: Not as loud as your brother's.

Mr. Givens: With respect to his brother, the Attorney General can merely say, "Et tu, Brute." But for the most part, from the sources that the Attorney General usually receives brickbats—not from the close sources—he has been receiving nothing but congratulations and praise. I, like all the others, rise to add words of congratulations and praise to the Attorney General's bringing-in sweeping reforms which are so long overdue, because in one fell swoop he sweeps away the cant, the hypocrisy and the injustice literally of centuries by bringing in this law reform that the Attorney General has introduced. I hope these sweeping changes bring about the necessary alleviation of problems and of injustices which is so long overdue and that they actually bring about the changes which are hoped for by the introduction of this bill.

It's certainly going to increase the work of lawyers an awful lot. I would imagine there will be lawyers who will develop a specialty on this particular subject. With the way this bill is fashioned, I think every couple, both those who are legally married and those who are living in common law, are going to need a marriage contract, just as they need a will. I think it will become mandatory for everybody to have a marriage contract and there will be a whole development of jurisprudence with respect to marriage contracts. Lawyers will be developing an expertise in this particular field and this will be a specialty by itself.

I can just see the law stationers downtown, pulling out their hair because all their forms are going to have to be changed, the affidavits of marital status, the deeds with dower and the mortgages. I remember as a student and as a lawyer how one used to have to run around and explain to a client why his wife

had to sign the deed and why she had to sign the mortgage. Now, after all that, she no longer is going to have to sign to debar her dower, that stupid old anachronism that existed for centuries and really meant nothing when one got down to the final analysis because it afforded her no protection at all. That will all go by the board.

Yet there are some misgivings and some uneasiness that I have with respect to this bill. I'll tell the Attorney General that I have had more inquiries after the introduction of this bill with respect to this bill than I have had since I have been here with regard to any other 10 bills put together. Inquiries have been coming in by telephone and by letter. They ask: "What does it mean? What does it mean to my particular situation?" There are hypothetical situations raised by people who are looking down the road. I was talking to a woman today who asked: "What if I break up with my husband?" I said to her: "What danger is there of your breaking up with your husband?" When I investigated the matter, the idea of her breaking up with her husband was so remote that it was just absolutely absurd. But there she was, picturing a hypothetical case where she might break up and what her situation would be. There is great interest with respect to this.

I say I have certain misgivings which I can articulate to a certain extent, but I'll be darned if I know how to express them in such a way where I can indicate what amendments I would propose in the committee stage to shore up some of the uneasiness and misgivings that I have with respect to certain sections of this bill. I'll just go ahead and tell some of the things that bother me because other members of the Legislature have already indicated what's bothering them.

I hope that the Attorney General (Mr. McMurry) isn't persuaded to change the family assets definition of section 3 with respect to family property. Theoretically, it's all right to say, "Let's gross up all the assets and have an equal division of all the assets between husband and wife in the case of a break-up of a marriage." I think that would be a very wrong thing to do for the following reasons.

Theoretically, there is the principle to say while they both contributed, lived together, worked together and both contributed in this way, if they break up they should split the assets even—Stephen, no matter what it is. On the other hand, I think it would be impossible to conduct business on that basis, if we put business relationships in a strait-jacket. It would be almost impossible to conduct day-to-day business relationships. In the

case where a man is involved in business and where his wife is in active business with him, it might be different. But where he would have to run his own business and run from day to day to get the concurrence of his wife with respect to the transfer of a piece of property or with respect to an agreement that he has to make or with respect to any kind of transaction, it would just be impossible to conduct that kind of a business relationship.

I think the very thing one wants to accomplish—the smooth operation of the marriage, the beneficial operation of the marriage with respect to the earning of the living and the accumulation of assets—I think would be hampered by this business of grossing up all the assets and insisting that all the assets go into this pot. I think that that would be wrong and I hope that the minister won't do that, it would inhibit and restrain business activity in the long run. The principle of permitting the leeway and permitting the opportunity and the elbow room for business activity to continue is more important than the principle of grossing up the assets all the way down the line 100 per cent and splitting them down the middle in case of this potential breakup of marriage, because I think that the protection that has been afforded under this section is adequate as it is and the minister should leave it at that.

Another thing I want to talk about is that the Attorney General has shown great courage in the common-law situation where a common-law relationship exists and a dependency is forced on a spouse, where that dependant may be exploited, or where the dependant is forced into a position where for many years that dependant spouse cannot return to the making of a livelihood. Consequently if there is a marriage breakup that dependant spouse may have to resort to having to go on welfare. There the minister insists in a situation where that dependent person, for example, has been crippled or damaged or hurt—if they were struck by a car—he has insisted that that person has to be looked after, that there is a duty and an obligation on the part of the person who has made that person dependent to look after them.

In this case, the Attorney General had two groups of antagonists to contend with. There is the group that has said: "I don't want to be hassled by the law. I want to be able to enter into any kind of relationship that I please and do whatever I please and I don't want you to come in with your legalities and tell me how I should live and how I should not live, what I should do and what I shouldn't do."

I think the minister was right in facing up to that situation and saying: "No, you cannot do this to a person. You cannot take people and exploit them and then throw them on the scrap heap of humanity and not bear any kind of responsibility for those particular people. You must invoke the law for the purpose of taking care of them, of being responsible for them." And you were right.

Then there is the other school of thought that says: "No, this is an illicit relationship. This is an illegal relationship. The hell with them. Let them stew in their own juice. We owe them no responsibility. We shouldn't look after them." I say to people like that, whose nose are we cutting off to spite whose face? If the dependent person is going to wind up on the welfare rolls and society has to pay in the final analysis, whom are taking care of, who is the ultimate person who has to pay the shot? We have to pay the shot, particularly where children are involved. So I think that the minister was right in doing this.

However, he seems to have stopped short of the precipice and has drawn back. Because in the definition section of part I having to do with the family assets and with the matrimonial home he defines spouse one way and in the section having to do with the claiming of support he defines spouse another way. In other words, in the common-law relationship, the Attorney General is saying to the common-law spouse who was wronged, "You can claim support but you cannot claim your share in the matrimonial home or in the family assets." I don't understand the logic of that or the fairness of that and I am asking, why is the minister discriminating against the common-law spouse? What is the purpose of that?

I am asking particularly why is he discriminating particularly where there is a child or children involved? We make a big to-do about legitimizing illegitimate children today. Finally, after centuries, we are legitimizing illegitimate children. We say we are putting them on the same status as legitimate children. So we say to the illegitimate child of the common-law relationship in this particular Act, "Okay kid, you are legitimate. We've done this by an Act of law. But you are not really legitimate in this sense because if your old man leaves you, your mother can claim for support but she cannot claim for her part in the matrimonial home or for her share of the family assets." So we are really being unfair, we are being cruel and we are being hypocritical about this.

Now, I don't understand why this is being done and perhaps the minister can explain it to me. Maybe there is an overriding reason of principle for his doing this. I don't understand why.

Hon. Mr. McMurtry: Take for starters the wife of the common-law spouse who gets the share of the home.

[4:00]

Mr. Givens: I beg your pardon?

Hon. Mr. McMurtry: Where there is a wife and a common-law spouse.

Mr. Good: Where there are both, who should have the share in the home? He should provide for both. He should provide for both. All right?

Mr. Singer: Divide it into four halves.

Mr. Roy: You know there might be two or three different—

Hon. Mr. McMurtry: A very common situation.

Mr. Givens: All right. I don't know how common that situation is, but it's a very important thing to take into consideration. It's no reason why the dependent spouse who finds herself—generally I say her because it will be a female—who finds herself in that position should be jeopardized and should be discriminated against for that reason. It's unfair to that particular person.

Hon. Mr. McMurtry: Would you divide it into three?

Mr. Givens: I don't know.

Mr. Singer: Three halves.

An hon. member: Instead of four halves.

Mr. Givens: But there is certainly an incomprehensible thing there which I find difficult to understand and even though there is a difficulty in solving it, I think it has to be solved. All right, now let's pass on to something else.

Mr. Deputy Speaker: Please do.

Mr. Givens: There are instances where property—where a house may be put in a wife's name in order to protect the property from a judgement. I don't think this is amoral or that it is dishonest. I think a man has a right to protect his property from the danger of a judgement being taken out against him. He may be a young doctor who is afraid of a malpractice suit, or a young

lawyer who is afraid of being sued for an error or omission, or a man who drives a car a lot is afraid of being socked for a big judgement because of an accident so he wants to protect his home.

Now what I am concerned about is this: In the case of family assets, if there is a breakup of marriage and it is possible that the house may be divvied up—there may be a sale of the house for the purpose of distribution—does that mean that the judgement could attach against a part of the house? If that is so, then should there be protection against that sort of thing? In other words, can the judgement proof aspect of having an asset in the wife's name be removed by virtue of the fact that there is this common sharing of the family assets? I am wondering just whether there could be any kind of protection that is afforded to the individual to be able to see to it that that kind of protection is continued and not jeopardized in this way?

Another situation I have been receiving questions about is with respect to older people, like the widower who is in his 70s, a man of about 75 who finds himself widowed, who may marry a woman 20 years his junior for companionship and having regard for the life expectation of the older person, the marriage may last a very short period of time. He has worked many, many years—a lifetime to put together his life assets and even his matrimonial home. This may even be the case of a widow who has worked all her life to accumulate family assets or a matrimonial home.

The question they ask: "Is it fair that I should be put in the position where I have to share my family assets or my matrimonial home with a spouse whom I may be married to for only a short period of time?" I suppose that in that particular case, a marriage contract can be made and that arrangements can be made in the marriage contract whereby these things are avoided.

The whole matter of marriage contracts under this bill bothers me because practically every other section in the bill has to do with things which are done and which give the courts the right to override various provisions of the bill. There is so much uncertainty created. I started listing some of the sections which give judges the right to make exceptions with respect to marriage contracts and I began to put down just about every section in the bill.

What concerns me is that it is going to be an almost impossible problem, an im-

possible task, for any lawyer to advise any client with any degree of certainty as to what his client's rights are under a marriage contract because of the provisions of this bill. I can see that where there is undue influence or duress or fraud a marriage contract should be set aside. Where a marriage contract is properly drawn and properly witnessed and it deals with specific guidelines which are set out in the bill—or in the Act when it is finally passed—the guidelines which permit courts to interfere with marriage contracts should be limited to almost negligible proportions. Otherwise, what is the purpose of telling people and educating people that they should get marriage contracts drawn if there is going to be so much uncertainty?

I think it is going to be almost impossible to advise anybody as to what to do with regard to property, assets or anything under the bill because of the features built into this bill with regard to judges having the right to override it. These are some of the things which have been bothering me about it.

Unfortunately I am not able to suggest at this particular time any specific amendments. For instance, in the case of the common-law relationship I talked about, I cannot suggest what specific amendment I would like to make with respect to that matter which would hold any water and which could be put in here and not do greater injustice than the one I am trying to clear up.

These are some of the misgivings I have about some of the uncertainties which I believe exist in the present bill. Other than that I think, as I said at the outset, the bill clears up a lot of injustices which have heretofore existed. Generally speaking, I will support the bill and I am sure my colleagues will as well.

Ms. Bryden: Mr. Speaker, one writer has said that laws and institutions, like clocks, must be occasionally cleaned and wound up and set to true time. This seems to be what we are doing in part by this bill.

However, I am not sure if the bill is achieving entirely what the intentions are and that is why we are looking very closely at it. For one thing it seems to have a rather negative approach to marriage and the relationship between spouses. It concentrates on the economic view of the marriage relationship rather than considering the social and the lifestyle aspects of marriage.

It comes into effect mainly when the matrimonial ship is on the reefs and this I find rather depressing. In the minister's booklet, which he has issued to encourage public discussion of the bill, on page 30 this statement is made, "Spouses should be encouraged to consider the possibility of their marriage breaking down."

Mr. Speaker, it seems to me that this legislation should be directed more towards making the marriage relationship more stable and developing an institution in our society, rather than contemplating only the economic division of the spoils.

Another aspect of the legislation that bothers us considerably is the stress on the judicial discretion, which means an adversary approach to marriage and to marriage break-up. I know the minister is saying that he is going to bring in unified family courts, which is a new concept and which will try and get away from the adversary relationship, but it looks like they're a long way down the pike. He hasn't yet signed the agreement with the federal government to sort out the jurisdictional problems to bring them into effect. I don't see any money in the new supplementary estimates to provide for unified family courts. Even the pilot project, which he is suggesting will go into Hamilton for the next three years—there is no money in the supplementary estimates for that.

Are we going to have to wait until the three-year, pilot-project experiment is over before we try the unified family court in other areas, once we do get agreement with the federal government to get them started? Because if we don't, we're going to be saddled with a great deal of litigation under this bill and it will all be on the adversary basis. That can be very detrimental to the bringing together of spouses who are having difficulties or to any possibility of reconciliation.

It also will be a bonanza for the lawyers, they always seem to manage to get a welfare state set up for them. I'd like to ask the minister if Legal Aid will be available to spouses who find that they have to go the court route in order to get their fair shares? If so, will it become a lien on the property which is to be divided? Because, it seems to me, in the case of people of fairly modest means, practically all of the family assets could be taken in legal costs when there is any area that has to be litigated to decide what is a fair share.

I know the minister had to choose between the various extremes in dividing prop-

erty. There could be the complete community of property, which has been tried in a number of jurisdictions and has been found to create almost as many problems as it has solved, and which, generally, was set aside by a series of marriage contracts in most cases. The other extreme is complete judicial discretion, and I think we got the Murdoch case out of that, which certainly did not look after the interests of the dependent spouse.

Hon. Mr. McMurtry: The judges were really hampered by the common law there—I'm sorry, I should not interrupt you.

Ms. Bryden: Thank you. I understand there were a lot of complications in the interpretation that led to the Murdoch case. But I have my doubts about judicial discretion after reading in last week's paper about judges who apparently hold mediaeval concepts about the reliability of women's evidence at certain ages and certain periods of their life. I think in steering a course between the extreme of complete community of property and the extreme of complete judicial discretion, we hope the bill will succeed in avoiding the disadvantage of both those extremes. We have actually a blend of deferred community of property and of judicial discretion in this bill. We have our doubts as to how much of a problem the judicial discretion will be particularly to people who are not used to litigation and who may find that it is very costly.

[4:15]

Outside of those concerns about the thrust of the bill being somewhat negative and the retention of the adversary approach in many instances, we feel we can regard this bill perhaps as a first step toward sweeping away some of the cobwebs which have hung around family law for many years. I think we can credit the impetus for this bill not so much to the government having seen the light after 33 years and deciding that it was time to reform this area of law but to several things such as the rise of the women's liberation movement which drew attention to the many disabilities which women suffer in our society which prevent them playing their full role and the many barriers to their attaining a position of equality either within or without the marriage situation.

The reports of the Law Reform Commissions, both at the federal level and the provincial level, are part of the background which led to this kind of legislation and I think the work of the Ontario Status of Women Council should be given credit for

seeing that this kind of legislation is now forthcoming. The council held a very important conference on this subject shortly after the Ontario Law Reform Commission issued its report and I think that conference probably had a great deal to do with raising the minister's consciousness of the problems facing spouses before the law.

As a final credit, I would give minority government high marks. I think the various reports of the Law Reform Commissions and of the conferences on the subject would have gone to that great Valhalla of reports which this government has generally made great use of—namely, the pigeonhole. We would not have seen action if there had not been a minority government which was making a real issue of the position of women and the disabilities they suffer.

We regard this as a first step to removing some of those disabilities and sweeping away some of the archaisms in the law but it is certainly not the complete answer to establishing the equality of women in the marriage state. They will still suffer from dependency because there are not enough steps being taken to enable them to have complete access to education, to job retraining and to various occupations. Their contributions to managing the home, child rearing and so on are not adequately recognized in this legislation.

My colleagues have mentioned a number of other deficiencies in the law and I won't go over those. I'm sure some of them will be the subject of amendments in committee. We're hoping that we can improve on this law. I'll just refer to them in passing.

One is the question of conduct being considered by the judges in assessing the shares. One is the question of enforcement of maintenance orders and whether the legislation in here for improving the enforcement of maintenance orders is adequate. One is the question of whether the definition of family assets is broad enough or whether there shouldn't be some consideration of the business assets. As my colleagues have said, the fact that a wife stays home, manages the home and manages all the child-rearing and all the other affairs of the family enables her spouse to carry on business activities. He is in a much better position because of having that support from the person managing the home and the family. My colleagues have mentioned that the section in the 1975 legislation on family property, chapter 41, section 1(3)(c), should be added to section 7(2) in here in order to have recognition given by the courts or anybody interpreting this law

to the spouse's contribution as a spouse, not in the form of either money or work in the business.

Those are some of the areas we will be looking at in the amendments. I might mention some of the things in the bill we think are good. I'm sure that's what the minister is waiting to hear. These include the sweeping away of the archaisms, the institutions of the marriage contract as a possibility, though not a compulsory contract in our law of Ontario, which gives more flexibility to people who do have special circumstances. We hope there will be some requirement in the law for some sort of an affidavit to be signed along with a marriage contract to the effect that both parties were quite aware of what is being done in this situation. Often in the sort of euphoric state that one is in on getting married, they may not be looking at the economics of it as much. I think one or other spouse may not be as used to contracts as the other. They should be made very aware and should probably sign a statement to the effect that they were made aware of what the contract entails.

Section 30 about prohibiting harassment of spouses appears to be a useful clause. We hope that the Attorney General (Mr. McMurtry) would see that the police enforce this. The fact that the ownership of the matrimonial home can be in either name or in any form does give a certain flexibility there to the people who for business reasons or others wish to have it in one name or the other.

The clause requiring support for illegitimate children on the same basis as legitimate is a clause we all welcome. It is long overdue. The obligation of support for children who are of legal age, that is, over 18, to support their parents—they're not really children at that stage—is a section I very much question. The Parents' Maintenance Act has been rarely enforced in recent years, and I think rightly so. After all, children or young people have no control over their parents and they should not have such control. Therefore, to put on them the obligation of support is unfair. Also at the years in which they might be required to support an aged parent, they are usually establishing their own families, getting their own homes set up, often establishing careers and businesses that require education and investment and most of them just do not have funds to support parents. I think society as a whole should take on the responsibility of supporting any people of adult age who, because of misfortune, or illness, or unemployment, or any reasons of this sort, are not

able to have sufficient income to support themselves. If society pays for it, then all the children will pay for it through their income tax, and I think there should be a good progressive income tax so that all the children of the world support all the parents of the world through the social device known as the state.

We are all responsible for one another rather than individual children being responsible for the particular parents who happen to fall into misfortunes. Certainly the relationship between the children and the parents is much better if there is not this obligation on them. Not many parents want to take their children to court to enforce maintenance, so instead they do without, and if they do take them to court their relationship is destroyed. There are all sorts of reasons why I think it is a backward step to repeal The Parents' Maintenance Act and then to put into this bill a sort of pious statement that children are responsible for the support of their parents.

As to the common law section, I find some difficulty in understanding how it would be enforced. In a case of a marriage we have a definite date on which the marriage occurred and we have a definite date on which a separation agreement is signed—although I don't believe separation agreements are essential under this bill—but how would we determine when a common-law relationship had started? And if there had been a period, during say two years, of a month or two when the common-law couple were not living together, would we start over with another two-year period, or at the end of two years less a day could they separate for two weeks and then come together again and start over a new two-year period before there would be any obligation of support?

It seems to me it's a very difficult area to administer and I question whether it is an area that this particular law should be getting into. I certainly would agree that all parents should support their children, whether the children are legitimate or illegitimate, and that they all have that obligation. In the case of a person who has become dependent on another through a common-law relationship, that seems to me a special case that is very difficult to define and to bring within this particular law.

Actually I look to the day when there will be much less of this sort of dependency, because we will make it possible for both spouses to have careers during the period when they are not raising children and to share in the child-rearing period, and also there will be larger family allowances so that

the child-rearing stage will be bringing in some income to the spouse who is engaging in that, and there will be more day care facilities so that the child-rearing period will not be as long.

In other words, we need a whole series of policies which will reduce the dependency of the spouse who has taken on the responsibility of either managing the home or raising the children. I would hope the responsibility of managing the home, if there are no children, would be simply shared by the two spouses on an equal basis and there would be no dependency developed from that. The raising of children does create problems unless there is sufficient income from family allowances and opportunities for retraining for the person who stayed home with the children so that they are able, when the period is over, to go out and support themselves. So I rather question whether we should be bringing in the common-law obligations in this particular legislation.

[4:30]

Those are my main concerns with the bill. I think we should still hope that we will see more positive steps from the government along the lines that I have been mentioning, to remove dependency from women and to ensure that the mechanics of the bill actually achieve the objectives, which I think are well stated in section 49, that spouses should be equal before the law and that marriage should be a partnership of equals.

We would also hope that the government would do as my colleague from Scarborough-Ellesmere (Mr. Warner) mentioned and do its part to reduce the dependency of women by its work with its own Crown employees. It was rather discouraging to learn during consideration of the estimates of the Ministry of Labour, as the Crown employees' officer reported, that there had been practically no progress towards increasing the number of women in senior administrative positions in the government over the past year and that there was very little change in the ratio of pay earned by female versus male employees in the public service. That ratio is very low. Women make, I think, about 55 per cent of what men make. That's partly because they are in the lower-paying occupations, of course, rather than outright discrimination, although there probably are still some areas where we may still need equal pay for equal work. Certainly there is not equal pay for work of equal value in the public service yet; we are a long way from that.

In conclusion, I would urge the minister to consider that this is only part of the legis-

lation and the positive policies that are needed.

Mr. Sweeney: Mr. Speaker, through you to the minister, I would also like to say a very strong word of support for the general thrust of this bill. It has long been called for in that the areas of matrimonial property and matrimonial support needed revision and updating and clarification, and this bill goes a long way to do that. With that I do not quarrel; that I certainly support.

Following in the footsteps of the previous speaker, there is an area, however, that I would like to address myself to very briefly; that is, when this was first announced, I had rather strong misgivings about the attitude that we were sending out, the message that we were sending out to our society. Having talked to a quite a large number of people since then about this, that attitude, that reservation, that concern is simply strengthened and deepened; that is, the whole message we are sending out with respect to the stability of married life and families in our society.

It is of great concern to me that the disintegrating forces seem to be taking over more and more all the time. Just a few days ago in our own local newspaper, it was announced that in 1975 there were in excess of 50,000 divorces in Canada; that represented an 11 per cent increase from the year before and something like about a five- or six-fold increase in the last seven or eight years. We know this is happening. We know also that the strongest force for stability in our society are our families, and especially those families which are encased in a strong marital relationship. What concerns me about this one is that the whole thrust of it is, as was just said, a very negative one. Now I appreciate that we are talking here about legislation—what you can put in black and white, where you can cross the t's and dot the i's. I guess what I'm trying to argue for is that somewhere, somehow—and I haven't been in this Legislature long enough to know how to suggest it, maybe it's a preamble, I'm not sure what it is—but somehow somehow we must get out the message that we are strongly in support, in this society of Ontario, in this society of Canada, for the sanctity of marriage and the strength of family.

If we just look at this legislation: First of all it deals almost totally with the concept of marriages, marital relationships, breaking up. It does mention some aspects of the continuing marriage relationship, but the main thrust is the breakup. As has been pointed

out, even in the booklet that has been sent out for perusal ahead of time, there is a statement that right, from the very beginning, young people planning marriage should consider the possibility of breakup.

Yet the whole concept of marriage is based on something totally different. The whole concept of marriage in our Christian society, our Judaeo-Christian society in this province, in this country, is based on the concept of a life-long commitment that won't break up. And in saying that, in saying it strongly, we are not so blind, we are not so naive, as not to know that, in fact, some of them will break up. We see it around us. But if we are suggesting to young people entering marriage, if we're suggesting to our families right now, that this is a distinct possibility they should actually plan for, then the message we're sending out, whether we intend to or not, is that they should expect it to happen.

Yet the message we need to be telling people is that they shouldn't expect it to happen. They should do everything they possibly can, they themselves as young people planning marriage, the young families that are already in marriage and society at large and this Legislature, should be doing everything we possibly can to say hold them together, hang in there, somehow make it work. Because it's only to the extent that our families are going to hang together; it's only to the extent that marriage in our society is going to hang together through thick and thin, through better or worse, through sickness or poverty, all of those things that we said at the beginning, that our society is going to hang together.

If I seem a little bit strong on this it's because I feel that very, very deeply. When marriage goes, when family goes, that's the end of it. If we read through the pages of history we see it time and time again. Great civilizations rise and fall, and when you examine why they fell it was the destruction of family life in those societies, over and over again. To the extent that society allows its families to deteriorate; to the extent society does anything in terms of legislation like this that would suggest that it can happen or that you expect it to happen, then we're asking for trouble.

The whole concept in this legislation that deals so extensively with contracts—you know, a contract is totally unnecessary unless you expect the marriage to break up. If the family is going to continue, if the marriage is going to continue, nobody needs a contract.

I have grave reservations, Mr. Speaker, about suggesting in here, as strongly as we do, that the concept of a contract is a desirable thing. By that we are, in fact, encouraging it.

I'm not saying that we prevent it. If people want to do it of their own free will, if there are some reasons why they think they should have it, fine; I'm not saying we prevent that. But I don't think we should be encouraging it; that's the point I'm trying to make.

Mr. Minister I think what we have to appreciate is that what we say and what we do in this Legislature has impact out there. People look at what we do and what we say and they get perceptions. Whether that's our intention or not, that's the perception that's out there.

What I'm arguing is that when we do and say things in here, be sure that what we really mean and what we really feel and what we really believe is also the message that goes out. So therefore I have reservations about the precontact. The whole aspect of common-law arrangements that we have in here—even the terminology we use today when we call them common-law marriages”—they are not marriages at all in a sense of the word as we understand it in our Judaeo-Christian concept; we shouldn't even be using that terminology. The fact is that we sort of send out the message that this is okay. Well the fact that we know they are there does not make it something that's okay. I'm really concerned about the children.

Hon. Mr. McMurtry: Show me in the bill where common-law marriage is mentioned.

Mr. Sweeney: No, I am not saying it is. I am not saying that. I am saying that in the reference to that kind of relationship; these are the messages that are going out.

It mentions in the bill very distinctly the concept of marital misconduct. I can understand the reasons why marital misconduct has been mentioned in previous legislation, and that perhaps it has been punitive, but once again the message we are sending out is that maybe it isn't so bad, maybe that is not something we should be unduly concerned about. Yet it is verily those kinds of marital misconduct that are causing marriages to break down; and to suggest in any way whatsoever that it is not a serious thing is, I suggest, a danger. That is the main point I want to make. I am really concerned about, whether intentionally or unintentionally, the things we are sending out, the messages we

are sending out, the perceptions we allow to go out through this legislation. I guess I am asking if there is any way this legislation can have a preamble, or if there is anything that the Attorney General, through his ministry, can do in terms of public relations to make very sure that is not the intent, because I feel from public remarks I have heard him make that isn't his intent. However, my reading of the public, the kinds of things they have said to me, the things I have felt myself, suggest that that is what is going out there.

A second observation I want to make— and I remember it was sort of an interjection made when the Attorney General first stood up in this Legislature and announced he was going to do this sort of thing, and it echoed in my own mind—the enforcement of support payment is one of the most difficult things that is going on right now. I am not sure whether the provisions which the minister has made in this legislation are going to solve many of those problems. I have in my own riding quite a number of marriage breakup situations where the wife in particular, because she doesn't have the same kind of earning power, is in a real dilemma, even after the court has ordered payment, even after it has gone to the justice of the court, it has gone to family court, the whole bit. This thing gets delayed and delayed and the husband comes back and brings in all kinds of delaying tactics, and nothing gets done. It just seems to go on, literally for ever. What I am arguing for here is that once the breakup has occurred, once payment is demanded, we build in here as strong an enforcement procedure as possibly can be done.

One little aside here, and I don't know what the minister can do about it, but it is becoming a rather serious problem with three or four constituents in my area, and that is, those women who are married to service personnel. I am sure the minister is aware of the fact that there is no way one can garnishee their wages. I am not quite sure what the correct terminology is. I guess as an employee or a servant of the Crown they can't be attached.

I have four situations of women who have separated from the husbands in this situation. There have been all kinds of court orders, we have gone right to the personnel directors in Ottawa, right to the armed forces, and they say there is nothing they can do, they can't enforce it. Therefore, here is a body of people sitting outside there and they are

literally laughing at the law, the law is being made a farce of. Okay, that is one other thing I would ask for.

One area that I want to support very strongly is the reference here to illegitimate children. While I can't, as I have already indicated, support too strongly the common-law relationship, I do feel very strongly for a child born from that relationship, and anything we can do to remove the stigma from that child, who had nothing to do with the decision to enter into such a relationship, we should do as strongly as we possibly can. The children of a common-law relationship are facing enough difficulties as it is, and to further brand them for life with the title of illegitimacy or whatever it is that they are branded with, should be removed as completely and as thoroughly as we possibly can; anything that the minister can do in that direction I would certainly applaud and support as much as possible.

To sum up, I am saying that I certainly support the basic thrust of the legislation. My main concern, however, is that we do not convey to the families, to the married people of this province, to the society of this province, the message that we don't hold in very high esteem the sacredness of marriage as it exists. Thank you.

[4:45]

Mr. Speaker: The hon. member for Bellwoods.

Mr. McClellan: I am sorry, I had thought that somebody opposite was speaking.

In a phrase that was used by the leader of our party some years before he became leader, and speaking on an entirely different subject, I intend—

An hon. member: That sounded sanctimonious.

Mr. McClellan: Well we just had the sanctimonious contribution, now maybe we can get back to the bill.

As I was saying, our leader referred to the subject he was discussing as one which deserved to be talked about with studied ambiguity and I think at this point that certainly sums up my own position with respect to the bill. We are intending, as the member for Riverdale (Mr. Renwick) said, to give qualified support on second reading. I don't know at this point whether or not we can give support on third reading. I think that will depend substantially on the debate as well as on the amendments in clause by clause consideration.

Many of our concerns, I think, have been well spelled out, at least semantically, and we can go into them in the clause by clause consideration.

I want to focus on a particular aspect which is causing me a great deal of concern and that is the support provision. There seems to be a substantial amount of what can only be described as welfare law in this bill and I'm not sure why that is there. Clearly this legislation will involve substantial revisions to social assistance legislation, to The Family Benefits Act in particular. I don't know whether or not either this ministry or the Ministry of Community and Social Services have begun to discuss the implications of this bill for existing family benefits legislation but, clearly, the Act will have to be substantially revised.

That leads me to my concern. I hate to use the odious phrase, Roy McHeadline, but I do have—

Hon. Mr. McMurtry: You are becoming needlessly partisan.

Mr. McClellan: —a McHeadline in my hand from the Toronto Star, November 13. The headline is quite snappy: "McMurtry View: Man Runs Away and We All Pay."

Mr. Warner: Good line.

Mr. McClellan: Aside from the PR value of the headline, there are some principles in the story which, if we translate them to the bill, I think are grounds for quite serious concern. The Attorney General says in this article that Ontario spends more than \$160 million a year in family benefits and attributes the size of that case load to women and children who've been forced to go to the public purse because of personal relationships, married and unmarried, which leave them in the lurch.

He goes on to document the amount of money which family benefits programmes cost the Ontario taxpayers for unwed mothers, deserted wives and so on. He implies very clearly in the story that he intends his legislation to redress somehow the large amount of public funds now spent in the support of single parents, unwed mothers and deserted wives through the Family Benefits legislation. If that is the intent of this legislation we are going to have some serious quarrels with him.

I don't think that it is, in any sense, an adequate analysis to pretend that we can solve the problems of single-parent families in this province by requiring the state to enforce the support obligations. I doubt very

much whether the Attorney General believes that himself. You will forgive me, Mr. Speaker, if my paranoia quotient rises considerably when I see an article like that. I put it in the context of this government and the present Minister of Community and Social Services (Mr. Taylor) who has launched his own particularly odious form of welfare-bashing with respect to general welfare assistance recipients. Now we have a package of family law reform in the middle of which appears to be some rather odious possibilities—and I say possibilities—with respect to single-parent families.

I have an hypothesis, which I hope I can do some work on before we get to clause-by-clause reading; that is, that most of the people who are on family benefits in the single-parent family category were in the low-income category before they went on to benefits. I believe the ministry itself has done a study on mother's allowance recipients some years ago which indicated as much. I don't think the introduction of the power of the state to intervene and apply for support orders would have other than a very punitive effect on both individuals in the relationship, on both the woman and the man. I doubt very much if it would be other than punitive.

There is no clear benefit to the family whose mother's allowance is only reduced by the amount of support and not a nickel goes to supplement the family income. On the other hand, the person paying the support order is in the position of having to support two households. I doubt whether very many people in this society, other than perhaps lawyers and politicians, can support two households.

Mr. Good: What was that all about?

Mr. McClellan: I am quite concerned about section 15(2). Clearly spouses should have the right to apply for an order of support and clearly spouses are entitled to adequate enforcement of support orders, which is something which doesn't obtain today. But it seems to us senselessly punitive and a very major invasion of privacy that the state should be given the power to intervene in such a way between spouses to apply for orders of support, independent of the feelings or desires of the individuals. We intend to pursue that again in the clause-by-clause debate.

Secondly, we're concerned as well that the same right has been given the state to intervene between parents and children. Certainly needy parents have the right to claim

support. But I cannot accept that the state has the business to make that decision itself to intervene in the relationship between parents and children in that way and to intrude itself in such a way into the private lives of individuals and families. It opens itself up to tremendous psychological damage, it seems to me, and to a great opportunity for abuse.

Perhaps I can overstate the case and ask the Attorney General (Mr. McMurtry) whether he intends, expects and requires every aged applicant for a family benefits allowance, or a general welfare assistance allowance, or for a GAINS allowance, or for an admission to a nursing home under Extending care, or for admission to a home for the aged under The Homes for the Aged Act, to sue their children for support on the failure of them to do so.

Hon. Mr. McMurtry: No I don't.

Mr. McClellan: I said I'm overstating to illustrate what this legislation at least permits.

Mr. Reid: The usual NDP approach.

Mr. Davidson: Are you awake? He woke up over there.

Mr. Moffatt: The Liberal-Labour Party is alive anyway.

Mr. McClellan: In the event of the failure of the parents to sue the child, will the state automatically intervene? What kinds of criteria will determine when the state will decide to sue a child or a person for non-support of parents?

It seems to me the government is almost moving in the direction of bringing the courts in as the mechanism for determination of eligibility for social service programmes. That is an interpretation clearly possible under 15(2)—it is open to the Ministry of Community and Social Services to run every applicant for a provincial benefit allowance or a social service programme through the courts to determine whether the offspring should be required to pay or how much he or she should pay toward the cost of the service or benefit.

I don't think that makes very much sense, No. 1. No. 2, we have profound concerns about the power of the state to intervene in that way in people's lives. No. 3, we are very reluctant to entrust those kinds of powers to a government which has installed as its Minister of Community and Social Services the incumbent whose riding I do not know.

The government asks too much if it asks us to give that hon. gentleman that kind of power.

I won't go on. As I said, we intend to raise the concerns which have identified thematically in second reading during the clause by clause stage. We will look forward to that debate. In general, we are cautiously optimistic and guardedly congratulatory to the minister for the serious attempt, we think, to reform our family property law. We recognize the complexity of the task and that there is no clear consensus with respect to particulars of the bill within the community.

I think opinion within the community is still in the formation stage and hopefully the discussions which will take place in the clause by clause consideration will help all of us and the public at large to come to a clearer understanding of what the implications are of this law and all its ramifications.

I come back again to the question of support and tell the Attorney General (Mr. McMurry) that it causes us enormous difficulties. Unless we can have some of those difficulties assuaged, either through argument in the clause by clause discussions or through amendments, we will have some profound difficulty in supporting it on third reading.

Mr. Speaker: Has the hon. member finished his remarks?

Mr. McClellan: Yes, I have.

Mr. Speaker: Will any other hon. members wish to speak to this bill?

Mr. Roy: Yes.

Mr. Speaker: Perhaps you would care to move the adjournment of the debate?

Mr. Roy: Yes, I will, Mr. Speaker. I wanted to make my comments originally on Thursday I think it was. I would like to take this opportunity and adjourn the debate.

Mr. Speaker: Next Thursday?

Mr. Roy moved the adjournment of the debate.

Motion agreed to.

[5:00]

PRIVATE MEMBERS' HOUR:

HOSPITAL LABOUR DISPUTES ARBITRATION AMENDMENT ACT

Mr. S. Smith, on behalf of Mr. Bullbrook, moves second reading of Bill 142, An Act to

amend The Hospital Labour Disputes Arbitration Act.

Mr. S. Smith: I am pleased to present this private member's bill for discussion before this House. The province of Ontario has been the scene of a very unfortunate labour dispute which we all know about and which has involved some of the most dedicated professionals serving the public of Ontario. I'm speaking, of course, of the public health nurses.

These, as you know, Mr. Speaker, are professionals dedicated to helping people in their home, at their work, at their place of recreation. These are people who are able to give service to the public generally but in a way that is seldom brought to public attention. They are not the kinds of people that television serial adventure stories are written about. They are not the spectacular people wearing particular uniforms which make them stand out as angels of mercy, and so on. You don't see them in war movies.

But they are people who are tending to the wounds of the aged, who are making sure that the various medications which are the rule in medicine today are taken by the citizens who require them. They are people who are making sure that parents have brought to their attention whatever deficit in hearing or vision or in other forms of behaviour are present in children in the schools. They are people who need a lot of training—they have to intervene from time to time in marital disputes.

I have had many occasions to make use of this particular professional group because, as a psychiatrist, it has frequently been a useful thing to be able to discharge patients to their home, but where these people would still have someone to look in on them to make sure things were going well and to be sure that they were able to take care of their families, and so on.

Public health nurses have frequently brought to the attention of people—in my own department for instance, when I was acting as a doctor as opposed to a politician—people requiring help were frequently brought to my attention because of the scrutiny given the community by public health nurses.

You probably know as well that these are trained nurses who have to achieve all the various standards achieved by hospital nurses but then they go on to do further study. It seems only reasonable that at the very least these people should be paid on a par with those who are acting as hospital nurses. This

has always been the case in the province of Ontario.

But recently, despite the fact that a year ago—over two years ago—money was made available, recently the health units for which these particular professionals worked, have adopted a very unfortunate and somewhat intransigent stand and have in fact been unwilling to maintain parity for these particular nurses even as the salaries have increased for hospital-based nurses. In some instances, and Pine Ridge-Haliburton is an example, these nurses were actually locked out even though they had done nothing wrong and even though they had made no particular threat. This, despite the fact that provincial representatives frequently would sit on the health unit board.

Now, I can appreciate that the health units are short of money, but I still feel, and I hope this House will agree, that the health units should have been given additional sources of revenue by the Minister of Health (Mr. F. S. Miller) instead of waiting months and months and letting the thing escalate to the point it has now reached. I still think these nurses should have been given at least a hand in their dispute so that they could seek a remedy which would be fair and equitable vis-à-vis their professional colleagues in hospitals.

I wanted to bring to your attention the fact this group of nurses really has no clout. Let's speak frankly now. We know very well there are people in society who—because of their clout, because of their power, because they are, for instance, teachers and can hold up an entire school system—frequently want to use the strike weapon as a way to achieve an increase in salary. It's the rest of society that begs them—please—to use arbitration so they don't exercise the clout they have.

This unfortunate group of professionals called public health nurses, however, because they are in groups of eight, 10 or 20, really have no power against a health unit in terms of bargaining power. Because they could be left out in the cold in a strike endlessly, ad infinitum, and would have no particular power to oppose this, these people are asking for arbitration. They are willing to settle for what an arbitrator deems as fair and equitable. The New Democratic Party, of course, cannot support this.

Members of the New Democratic Party, time and time, find some reason to wriggle out of supporting arbitration for these particular nurses because they believe in the collective bargaining process their labour union masters tell them has to go on undisturbed in the usual manner. They are used to it; rather

than give these nurses some clout, some power which a resort to arbitration just might manage for them, the NDP would sooner sell them down the river. They will not actually see to it that they get the arbitration they deserve, because the labour unions, which give the orders to the New Democratic Party, don't like arbitration; consequently, the nurses can get no help whatsoever in that line from the New Democratic Party.

I would expect better of the government. The government surely must recognize that there are a number of public servants and quasi-public servants in the province to whom arbitration is offered and, in fact, for many of them arbitration is the only way that they are permitted to resolve their differences when the collective bargaining process runs up against a blockage. It seems to me, therefore, that it is only reasonable that the public health nurses should have this Act to amend The Hospital Labour Disputes Arbitration Act so that they too can elect to have arbitration, since the strike weapon is absolutely meaningless and useless to the public health nurses. They should not have to follow the method used by the auto workers and the steel workers, who have more power. They should be given this particular option, which is the only one they particularly want.

They have suffered a lot. I am pleased that the Minister of Health (Mr. F. S. Miller) was able to stand in the House and suggest that there would be money made available for the health units. But that's not sufficient. That was done before. That was done two years ago and the health units didn't take advantage of that money. Now we have a situation where the government must intervene to give the nurses whatever power is needed to make collective bargaining a fairer and more equitable process for that particular professional group so that they can continue to assist the community.

I want to say one brief word about the sense of priorities of the government. I think we are all aware of the fact that the day has gone for using expensive institutional care for all the problems that afflict the health of mankind in the province of Ontario. These institutions are too expensive. A sensible way to go about things is to care for people in their own homes wherever possible. Public health nurses are able to do that and they should be encouraged. They shouldn't be maligned and discouraged.

I think the Minister of Labour (B. Stephenson), who I notice is in the House today, is very concerned about this as a person and

would like to be of assistance. I have never doubted her motivation at all in this regard. I would, however, suggest that not a tremendous amount has been done. Certainly there was room for a lot more. The representatives of the Ontario Nurses Association did consult me to say that in a space of over a month and a half they had been unable even to obtain an appointment in her office and had had actually no communication at all.

Mr. Roy: Shame.

Hon. B. Stephenson: I talked to them today.

Mr. S. Smith: I think that is poor. I realize that things are now changing and I encourage her to help and to use her good offices—

Hon. B. Stephenson: Absolute balderdash.

Mr. Roy: She is playing hard to get.

Mr. S. Smith: I personally am of the opinion that the only way that this is ever going to be settled is by arbitration. I think that's the sensible thing to do and I feel that the nurses should have that power. Let me put it this way to you, Mr. Speaker: If the nurses had the power to elect arbitration, then I think you would see the health units finally settle. But as long as they have no weapon whatsoever, as long as they have no clout whatsoever, then they are simply going to be taken advantage of as the weak people in a situation that is still ruled by the law of the jungle. The labour people don't mind that because they figure in unions they have strength. But these particular nurses, the vast majority of them as you know are women, have a right to be given some clout in this society, some clout so that collective bargaining becomes meaningful for them.

Various members of my party are going to speak on this bill and will add their own particular point of view and I think you'll see, Mr. Speaker, that the bill is a very reasonable extension. I trust that at least there will be a tenth of the House supporting this particular professional group and that the government will take steps to give them what they actually deserve in the way of a fair and equitable wage settlement.

Mr. Jones: Mr. Speaker, I find myself concurring with some of the thoughts just expressed by the leader of the Liberal Party. I'd like to set my thoughts to the House. I feel that public health nurses throughout this province provide a vital and much needed service to both urban and rural communities.

As such, both the nurses who provide this service and the communities that receive those services deserve protection from strikes or lockouts which seriously undermine our health care delivery system.

I think it's no shock that health costs are rising at a frightening pace; a pace that the taxpayers of this province simply cannot afford. But few people realize the dimensions of the problem. While placing restraints on the growth of hospital spending is a partial solution, it's just the tip of the iceberg. We've got to look at contemporary lifestyles which seriously harm the health of Canadians. We've got to look at factors like the abuse of alcohol, the excessive use of drugs, the spread of venereal disease and the lack of physical exercise. In short, the public attitude has to change.

Each of us must direct our attention more fully to the environmental preventive health measures if we are to arrest the spiralling costs of health care. We have to look much further than purely providing diagnosis and treatment of individual health problems. We must look to the identification and prevention of broader health problems that affect every sector of the community.

It is in the promotion of environmental and lifestyle health care that public health nurses have a very vital role to play. The public health nurse is there in the community where she is needed. She is able to act immediately to identify a problem before it happens or as soon as it happens. She has access to the home and can assist in a difficulty before it develops into a crisis situation. She has the opportunity to treat the whole family as opposed to the hospital nurses who deal primarily with one member of the family experiencing a problem.

The public health nurse acts on a potential difficulty rather than reacting to a problem which has already developed. She provides an effective liaison between the doctor and the community and has a tremendous impact on the people she serves. Within the schools—and the leader of the Liberal Party mentioned this—the public health nurse screens the children for health problems. I have this in a very personal way as my youngster had a problem identified by a public health nurse in its early stages. She is involved in the immunization of youngsters against communicable diseases and provides education in the preventive health practices. They are in effect a very low-cost extension of our health care. Within the community they assist young families in a pre-natal education and marriage counselling and they

identify people with potential psychiatric disorders and guide them to assistance.

They provide services in the homes for the disabled and the elderly and they relay a sense of caring and concern for those people who are less able to cope with the world which revolves around the young and the very able. There's no question in my mind that the situation of strike and lockout which has been allowed to develop places in serious jeopardy the future of public health service and public health nurses in this province. In too many municipalities, locally imposed restraints have meant that public health nurses have been unable to achieve parity with their colleagues in the hospital field, in spite of the fact that the public health nurses often have superior educational qualifications, as was referred to a moment ago.

[5:15]

The Ministry of Health is prepared to provide additional funding on the same ratio as it cost shares health unit budgets to rectify the wage disparity that currently exists. Local boards must be strongly encouraged to re-establish the relationship between the two groups and I think we saw another example of that in the Premier's (Mr. Davis) comments earlier in the House. While I fully recognize and promote local autonomy in negotiations between local boards and the public health nurses, I feel the current situation has reached a stage where protection must be provided for these nurses.

This legislation does provide that protection through arbitration and moves toward the elimination of strikes and lockouts, which undermine the health care delivery system in every affected community. I believe, however, that it should be viewed as a temporary or a stop-gap measure.

We must take immediate action to find an equitable solution to the serious problems public health nurses are facing today but we must also look ahead toward a long-term solution which will prevent the present difficulties from recurring at some time in the future. I am not fully convinced that arbitration provides that long-term solution.

Certainly the people of this province are becoming increasingly concerned about the effects of confrontation bargaining. Such conflicts in this situation have fuelled frustrations and anger in both public health nurses and the people they seek to serve. Since these nurses are prepared at this time to abrogate their right to strike, their ulti-

mate right to withdraw their services from the community, it is now incumbent upon us to provide them with protection against a lockout, or management's weapon in a conflict. Therefore, I am pleased at this time to speak in support of Bill 142 in principle.

Mr. Bounsall: This amendment as devised by the Ontario Nurses Association to solve this very long-standing dispute, is, when one first reads it, intriguing and it is certainly quite skilfully worded. It allows one side, one party—the union in this case—to opt for the provisions of The Hospital Labour Disputes Arbitration Act relating to binding arbitration to settle this particular contract problem.

If the matter could work that way I personally might be inclined to support it. If there is any possibility that the government would write legislation which allows one party, the workers in this case, to opt for a particular course, my innate reaction would be to support it.

We have here a group of workers, who are very valuable in terms of the health delivery system in Ontario and who are playing an ever-increasing role, and should be, in our health delivery service. It is one of the most valuable roles anyone in our health service has. They are being hammered by the lack of negotiations taking place now and over the years.

They have seen their situation vis-à-vis their other colleagues in the nursing field—those in the hospitals—fall further and further behind so there is now \$2,000 to \$4,000 difference between them in wages paid. It's a deplorable situation particularly as the public health nurses are delivering a service which we feel to be exceedingly important, all the way from pre-school testing to the provision of services in homes where there are elderly people, to the various immunization and testing programmes which the province runs. This is a very key role, and this is a group of workers we should never have allowed to fall into this situation. From that point of view there's no question about our party wanting to see these workers achieve parity with their hospital nurse colleagues. The question is, how do we go about it?

Basically, I think everyone would agree that a piece of legislation allowing one party to choose to go to arbitration—although in this case, again, a very strong feeling on our part because the private member's bill and the nurses' proposal is worded that they be given the choice—that situation is basically an unfair one, although we are certainly, as I say, quite inclined, as it's written this way,

to say, "Gee, here's a bill that says the workers alone can choose," we're emotionally inclined to say if that could possibly happen we can support it. At the same time we realize that it's basically unfair and probably cannot be written in that way. The right to demand arbitration would have to be extended to both parties in terms of proper legislation and fairness in the legislation that we would have to write, otherwise the law is a lopsided one.

There's where our problem occurs. There's no doubt in our mind that arbitration in this particular instance would certainly help the nurses at this particular time. The six jurisdictions that have voluntarily gone to arbitration have, in fact, received awards from that arbitration that bring them up to parity with hospital nurses, and that certainly is a situation that should be achieved. Of course, the AIB has to hear them and the AIB has rolled them back, so under that situation they still haven't quite achieved parity but the arbitration boards, where they've voluntarily gone, have recognized that that parity should be achieved.

If the legislation has to be written in fairness, such that both sides can go, we really fear for the future. What this means is that whenever we have a situation where compulsory arbitration can be chosen, where compulsory arbitration is one of the routes, what has been found is that good-faith bargaining simply does not occur whenever down the road sits the compulsory arbitration process. I fear that what will happen here is that the public health boards would never negotiate in good faith, or in many cases they would not.

There must be some boards out there which are better than average, maybe those six that voluntarily went to arbitration, rather suspecting, I would think, that parity would be given. I don't know the intimate details of the attitudes of those board members, but with most of the boards, who've been so difficult this year, in a situation which allows them to choose arbitration, why should they bargain to reach a conclusion? They'll wait for the arbitration to be imposed upon them and argue their cases, and that is a situation that experience has proven, through those groups of people for many years under The Hospital Labour Disputes Arbitration Act, that worked to their distinct advantage, they fell further and further behind other equivalent workers in the community. I would hate to see a situation result in legislation putting them primarily under arbitration.

There's no question that we would like to see this dispute settled and we would like to

see these nurses achieve parity, but a type of legislation which envisages, finally, binding arbitration, compulsory in that sense because public health boards would use it as such, is a situation where we are very fearful.

The main problem here is one of funding. The Minister of Health (Mr. F. S. Miller), in his announcement on November 4, where he granted enough funds in the ministry's portion of the budget so that whatever percentage that might be to the local boards he could grant, in full assurance that not many of those boards would pick it up. Why? Because in some cases they only fund it to 25 per cent and 75 per cent has to be picked up; and even in those boards in which 75 per cent funding is provided by the province that other 25 per cent must be got from the municipalities or from the county in a year in which the government has severely limited the funds to those municipalities. In many of those cases they've said to virtually every board—not just the public health boards but other groups also—"What we can afford to give you is something like eight per cent." That's in the budget, that's already long standing in the municipal budgets, they see this constriction on them. In some cases it's very difficult for them, even if they see the justification and the right for these nurses' salaries to be equalized, to be able to pay any increase out of this year's budget.

If the government truly wanted to see these nurses brought to parity with their colleagues, they should have said, "We will give sufficient funds to those boards so that all of their salaries, from whatever source, can be brought up"; so the boards don't have to go back to the municipalities to try to get the difference between the seven to nine per cent, or whatever it is that's provided in some of those budgets, and the other increase that is required. Alternatively, the government should have said to the municipalities, "If necessary, we will provide the funds to the municipalities above a certain percentage of increase this year so they can pay their portion of the increase needed in their salaries so that the nurses can be brought to parity."

It's got to be one of those two routes, I feel, in order for it to be achieved this year without a lot of shuffling going on at the municipal level. It could be granted, as the Minister of Health (Mr. F. S. Miller) said, but it in no way solves the problem. Basically it's somewhat a dishonest proposal by the government in that regard, when they know that it doesn't remove the problem. They

know that these funds have to come from the municipal levels, but because those budgets have long been set and because of the government's tightness in grants to municipalities this year, it is very difficult for them to have that sort of money in their budgets.

I end by saying that this dispute has gone on long enough—far too long. The year is almost out, the year for which they are bargaining. I say to the Minister of Labour to get together with her colleague the Minister of Health, and solve these disputes. Do nothing else from here on in but get these disputes resolved and with salary levels for the nurses equivalent to their counterparts in the hospital system.

Mr. Sweeney: Mr. Speaker, I'd like to begin by quoting one paragraph from our local newspaper of just one month ago:

"Health Minister Frank Miller has frequently said that non-essential workers should keep their right to strike as the ultimate bargaining weapon. He counts public health nurses among those whose services are not deemed essential."

That's the danger right there. When the Minister of Health of this province can say publicly that public health nurses are not an essential service, then we've got a major problem. I think that what is coming out of this particular statement is that when any society says that curative services are a higher priority than preventive services, then we've got a problem. That's the distinction here, because when we have very clearly said to the people of this province that we're willing to pay our hospital nurses, who are there to cure people who are already ill, more than we're willing to pay our public health nurses, who are trying to prevent people from getting ill in the first place, then we've really got something backwards.

I believe very strongly, and the members of this caucus believe very strongly, that public health nurses' services are essential services because they place the concept of prevention above the concept of cure—and that certainly is where we have to place it.

I believe also the point has been made on a number of occasions that although this government pays lip-service to alternative, more productive and, yes, more economical health services, in fact it won't really do it. It has been brought to the government's attention before that it is much more economical to provide care for people in nursing homes and in their own homes than it is in hospitals, and yet the government refuses to

provide the necessary funding and the necessary encouragement and motivation to see that this is done.

We have the same thing here. When we look at the range of activities that public health nurses perform in this province—such things as pre-natal and post-natal care, school health, visiting released psychiatric patients, venereal disease control, family planning clinics, and looking after the elderly. Right now, they're the ones who are handling the swine flu clinics. Are we going to say these people are not essential? Yet this same government will say that the men, the very good men, who look after the plants and the grass in front of this building perform an essential service. They have the right to go to arbitration.

[5:30]

The men and women who work in the Liquor Control Board stores, who hand out bottles which create a lot of the problems we're dealing with here—is that an essential service? They can go to arbitration. We've got our priorities backwards and upside down and inside out if we continue in this particular way. We're talking here, first of all, of an absolutely essential service. We're talking of very much more productive and more economical alternative services and we simply must support this one.

I would like to point out that we recognize—it has been suggested also but it must be repeated again—that our public health nurses not only have the same training and background as the hospital nurses, they have more. Yet in my particular community the public health nurses with more training, more background and better qualifications than hospital nurses are earning in excess of \$2,000 per year less than the nurses in the hospitals.

I would like to sort of step aside and point out here, in case there is any question about it, that the nurses in the hospitals are supporting the public health nurses. If anyone in this province would try to set those two groups against one another they're making a serious mistake because I have received numerous letters and phone calls from nurses in hospitals supporting their public health nurse sisters or brothers, as the case may be, in this particular concern. Let's be sure we get that straight.

What we're dealing with here is a basic injustice and we cannot allow this injustice to continue.

I would like to conclude by reminding everyone that this particular bill was brought into this Legislature by a member of this Legislature but basically it is a bill which was requested by the public health nurses themselves. I think it is the most serious type of arrogance for us to say that those hundreds and thousands of nurses who have asked for this kind of legislation are not mature enough and adult enough and responsible enough to know what's good for them. For anyone in this Legislature to stand up and say, "We know better what's good for you than you know yourself," is the highest form of arrogance and I don't think it should be tolerated.

Mr. Drea: Mr. Speaker, as a preface, I would like to expand upon some of the comments made by the member for Windsor-Sandwich (Mr. Bounsall). I presume he would have expanded a bit on them except for the mandatory time limit.

One of the things which concerns me about compulsory arbitration is that with the exception of the law enforcement agencies, particularly the police and perhaps the firemen, depending upon the scope of the bargaining unit in certain places, the whole difficulty which has focused sometimes the attention and often the wrath of the public upon the labour movement has been the absolute collapse of any attempt at meaningful negotiations in the public sector. It's not only the absolute collapse of any meaningful negotiations but the total failure of the traditional system of mediation or conciliation even to cope with the issue short of the withdrawal of services.

Upon analysis, it is easy to understand why the traditional system simply does not work in the public sector. In the private sector both sides can lose. The worker who withdraws his services certainly loses his wages and becomes part of an economic struggle.

On the other side, the employer or the management has competitors who can absorb part of the business. The competitors can put enormous pressure on the suppliers, customers and so on and so forth. There is an economic penalty not so much directly but probably indirectly upon the management in the private sector.

When we come to the public sector, there is no such onus upon management. The truth of the matter is that from the moment the negotiations come to a crunch and decisions have to be made, management is playing with a loaded deck for the very simple

reason that everyone in the public service—perhaps in varying degrees—is essential. Every time anyone in the public service withdraws his labour there is an immediate and a direct impact upon the public.

We can have steel industry strikes, which the newspapers like to talk about, or automobile industry strikes, but there's not the same direct impact upon the public. There have been some lengthy automobile industry strikes in this country but although the public may be inconvenienced when it comes to getting a car, they can go somewhere else, I have yet to see them flooding in with letters saying something must be done.

The difficulty is that as long as compulsory arbitration is put forward as the ultimate solution in the public sector, without any attempt to bring about a new scope of mediation and conciliation which can be thrust backwards upon the direct negotiations to make them meaningful or in good faith, it is merely a primitive solution which is going to do nothing more than, over a prolonged period of time, merely inflame, aggravate and quite frankly, promote confrontations, mutual distrust and a dreadful impact upon the public.

The difficulty, of course, is that we are faced today with precisely the same situation—except it's in the public sphere—as we were in the late 1930s or the immediate post-war period in developing a mediation and conciliation programme in the private sector. We haven't addressed ourselves—there is not a government in this country that has addressed itself to it—to finding a new method of government intervention, if we will, or mediation or conciliation. There hasn't been one which has really addressed itself to this topic and come up with a solution.

Coming directly to this dispute, I can understand the attitude of the public health nurses. I admire them. I think they do a marvellous job. I can understand their frustrations in bringing forward what would appear to be a very unfair piece of legislation. I suppose we could balance that by saying in the future there might be a time when they would be in a dominant position but still would have this right to apply for compulsory arbitration by the employees hanging over their heads.

I suggest the efforts of the government in this dispute argue against the introduction of this type of one-shot, scatter-gun approach to a very delicate and prolonged issue. The results haven't been spectacular. Five of the units have gone to arbitration; another four

are commencing mediation. They are back at the table going forward.

I would say one thing to my friends, the nurses. One of the boroughs in Metropolitan Toronto has broken away. The borough of York is going back to mediation, starting really the process toward voluntary arbitration. In the other boroughs of Metropolitan Toronto, at least, this is a marvellous time for the ladies to engage in some very good and very effective labour relations by knocking at doors and telling the people exactly what is happening. The council is either too cheap, too miserable, or is deliberately exploiting them because it is afraid to exploit its other white collar workers who have more clout. I somehow think that would bring a remarkable number of conversions to the municipal field. They would start moving toward, at the very least, mediation and direct negotiations again.

I would hope as a result of this bill that, first, the public of this province gets the very distinct knowledge that there is not a member of this Legislature who is not sympathetic to the plight of the nurses and is not aroused at the intransigence, the arrogance and the straightforward stonewalling by their employers, whether they are health unit or in some cases boroughs. Second, I hope that by focusing inwardly upon this dispute that government can be stimulated to start working toward a meaningful method of conciliation and mediation that will take away the tremendous disadvantages that compulsory arbitration demands, that the compulsory arbitration programme has placed upon those in the public sector and put them in a very unfair economic position compared to those in private employment.

Mr. Deans: I am pleased that the member for Lake Nipigon (Mr. Stokes) is in the chair because what I wanted to say, he would relate to. I doubt very much if there has been any dispute that has caused us as much concern as this one has. It would be very easy in this instance, since we are four-square in the corner of the public health nurses, to say, "Yes, we would adopt compulsory arbitration in order to resolve this dispute." But the problems that flow from making that decision in this case would be so great and so many that we would be faced in this Legislature almost on a weekly basis with appeals from one group or another which are faced with problems at the bargaining table to adopt similar measures to resolve their disputes.

Compulsory arbitration: What it means is that each of the parties decides that they will accept the decision of the arbitrator. If we

were to on this occasion, because we are very sympathetic to the plight of the public nurses, agree that they should have the unilateral choice of determining whether or not they wish to have their dispute arbitrated, we would then have to agree that in any other dispute involving public health nurses or anyone else that the employer, notwithstanding whether that employer had bargained in good faith or not, notwithstanding whether that employer was recognized as an unfair employer in the province of Ontario, notwithstanding the economic conditions of the day, that any employer in the province of Ontario would quite rightly expect that this Legislature would deal with them in exactly the same way and give to them the same rights. Unfortunately I really can't put myself, nor do I think the Legislature should put itself, in that position.

Arbitration holds no terror for me. Arbitration is a perfectly legitimate way of resolving a dispute between two parties. But it must be the decision of the two parties that they will adopt arbitration as the method of resolving their dispute and this is where this all falls down.

It's my honest opinion that collective bargaining can resolve most disputes most of the time, but it's also my opinion that the Ministry of Labour should exercise a great deal more authority in trying to determine and to make known to the public and to the parties involved whether or not in their opinion each or both of the parties are not bargaining in good faith as the law requires. I think that the Ministry of Labour, in fact I think the government as a whole, has sat back far too long in this dispute. I say to you without any fear that had we been the government we would have done what we asked this government to do over the last number of months. That is, to say to the public health boards in the province of Ontario that public health nurses have to be dealt with fairly and that, as the government of Ontario representing the best interests of the people of Ontario we require the board, as a public body, to sit down at the negotiating table and attempt honestly to find an answer to the dispute that currently confronts it.

[5:45]

Having given the assurance of the Minister of Health (Mr. F. S. Miller) that there would be money available to bring about what may turn out to be a satisfactory solution, there is a clear responsibility on the part of the government to assert itself as the government of Ontario and to say to the public health boards: "Either do your job or, through order-in-council or otherwise, we

will not place you in the position of having authority over these people and the health of this province at any future time."

I say I'd do it—I'd do it without a moment's hesitation. I would say to the public health boards: "You sit down, because the money is now there; and you find a solution to the problem and you do it now, not just when you happen to feel like it."

The difficulty with the public health boards, in all fairness, is the public health boards are part-timers. They drop by when it suits their cause. They are not committed full-time, as a matter of their job, to providing public health service in the province of Ontario. They may be well-meaning, community-involved, concerned individuals but the fact of the matter is they don't turn all of their attention most of the time to the matter of public health in the province of Ontario. I think that's where the whole process breaks down.

Here you have a vital part of the province's health programme being administered by people who are appointed on a part-time, whenever they can get there basis, in terms of the policy and direction they have to follow. I say to the Minister of Labour (B. Stephenson) that all of the good intention, all of the goodwill in the world won't change that.

There's another problem—the government of Ontario has never placed any emphasis on public health. The government of Ontario has played down the role of public health. The government of Ontario has never been in the forefront of the development of a great deal more public health as a means of keeping down the health costs and providing a higher level of service in the province of Ontario. We in this party, my colleague from Parkdale (Mr. Duksza), repeatedly during the estimates of the Ministry of Health, has pointed out the need for public health, the extension of public health, the way in which community health services could be emphasized and the greater use to which they could be put.

The government has continuously if not always denounced that as some sort of airy-fairy view of the way the world operates. Let me tell members that one of the difficulties, of course, is that a great number of people in the community don't appreciate the role the public health nurse plays. They don't really relate to it very well. When they think of nurses, they think of hospitals because that's what this government has emphasized. They don't think of the role played

in the community and the way in which the public health nurse serves the community.

We, in this party, perhaps unfortunately in this dispute, feel there are far too many people in the province of Ontario who come under compulsory arbitration. This government has opted, as would the Liberals, for the easy way out in most instances rather than dealing with the personal and human problems which can be resolved at the bargaining table.

Mr. Sweeney: Do you know better than the nurses?

Mr. Deans: I find it interesting that the Liberal Party travels the province of Ontario talking about its private member's bill without explaining to the public health nurses that in itself it is a meaningless gesture. It cannot resolve their dispute because we have asked, as they have asked, whether the government is prepared to adopt that as a measure and the government has made it clear that it is not.

Mr. Sweeney: The government speakers have supported it.

Mr. Deans: The Liberal Party wasn't honest with the people, the nurses of the province of Ontario, when it purported to represent them here in the Legislature and put forward arbitration as the method to solve the dispute because its members knew full well it couldn't pass. It was a private bill and would never ever come to a vote in the Legislature.

Mr. Eakins: Ask the nurses.

Mr. Deans: They didn't tell anyone that but that's typical. That's the expediency of the Liberal Party, anything to gain a vote.

Mr. Sweeney: What are you doing?

Mr. Eakins: What are you doing about it?

Mr. Deans: Unfortunately, that isn't the case with us.

Mr. Eakins: Why don't you support the nurses?

Mr. Sweeney: Such arrogance. You know what's good for everyone—"we'll tell you how to run Ontario; we will think for you."

Mr. Deans: I want to tell you—and the Minister of Health will tell you, and the Premier (Mr. Davis) will tell you, as will the Minister of Labour—that I have frequently pressed to have the minister meet with the health boards, frequently asked whether or

not it might not be more appropriate for the government to exercise its clout and try to bring about a resolution to this dispute; and unfortunately the government has refused to act.

It has taken months and months. Public health boards have sat; they have done absolutely nothing in any meaningful way to try and resolve the disputes that are before them. Four out of the outstanding 29, I believe, are now at the bargaining table—four of 29 two weeks after the government made its intentions known with regard to funding.

I asked the Premier, is he prepared to talk to the people involved and suggest to them, as the Premier of the province, that he wants to see it resolved; and he tells me today, some week and a half after I asked him, that yes he thinks this week he will send out a letter.

It will be two weeks on Wednesday since I asked him personally whether he would do this, and it will be two weeks before he gets the letter out to suggest to them that maybe they should get to the bargaining table and try and get these matters resolved.

That is two weeks wasted; and two weeks that could quite easily have been used to try and find a solution to the problem.

Mr. Deputy Speaker: The hon. member has about 30 seconds.

Mr. Deans: Thank you very much, Mr. Speaker.

I frankly think that we have to take a serious look at restructuring the public health boards. If the public health boards are not prepared to deal fairly with their employees, how then can they make judgements about how those employees can deal with the public? If they don't understand the worth of their own employees, how then can they make policy judgements about what ought to be done in the community by those employees? If the public health boards are unable to understand that their own employees are of such importance in the community that they should sit down with them and spare no effort or time in order to find a solution to the economic problems that confront them—

Mr. Deputy Speaker: The hon. member's time has expired.

Mr. Deans: —then I say to you that we should remove the public health boards.

Mr. Eakins: I want to rise and speak briefly in support of this bill put forward by

the hon. member for Sarnia (Mr. Bullbrook). Approximately eight months ago the Ontario Nurses Association charged that: "Good faith bargaining for nurses in public health units for 1976 is practically non-existent in this province. Local Boards of Health refuse to bargain beyond the eight per cent to 10 per cent guidelines as set out by the Ministry of Health of Ontario, in spite of the long-standing historical relationships that exist between hospitals and public health nurse salaries."

In six weeks or so 1976 will be over, and the nurses have made little or no progress in achieving the parity which they seek. During the course of this dispute, nurses have been locked out of offices by district health units, numerous questions have been asked in this House, and virtually all Ontario public health nurses legally able to strike voted to do so for one week commencing June 14; all to no avail. At the time of the strike, the Acting Minister of Health, who is of course the Minister of Labour, told the demonstrating nurses that she was acutely aware of their concerns and hoped to meet with the boards of health to find a solution: "But," she said, "I cannot promise you anything." I hope today that the minister will be able to promise us something.

Personally I can see very little rationality or even simple humanity in the neglect of a dispute which has left a rural population of about 100,000 people in Haliburton, Northumberland and Victoria counties without public health services for months; which left in doubt the future of immunization programmes and essential testing programmes; which cancelled prenatal and postnatal classes; which left elderly people—dependent on regular visits of the nurses—without these services; and which caused the people, many with mental health ailments, to be without badly needed assistance.

Back in August a Ministry of Health official, who refused to be named, said only that it is an awful poor situation which should be rectified. That is probably, Mr. Speaker, the understatement of the year. From the health point of view it is an unforgivable situation and but for the grace of God might have had very tragic results.

From the labour dispute point of view, it is an intolerable situation which has been allowed to continue far too long. Compulsory arbitration as a means of settling labour disputes to some might leave a great deal to be desired. Perhaps in cases such as this, where arbitration has been specifically requested by one, or in cases by both, of the participants

we should give serious consideration to this means of settling a dispute which has been prolonged at the expense of the employees, the employers and the members of the public, who really, in the long run, are the innocent victims of a labour dispute. Thank you.

Hon. B. Stephenson: This has been a very interesting and very disturbing situation in the province of Ontario. There is no doubt in my mind that most of the people who have had to require the services of hospital nurses are aware of their role in the provision of health care. It is unfortunate that most of the citizens of this province do not in fact recognize that the role of the public health nurse has been one of real importance to the provision of health care services throughout the province of Ontario and to the maintenance of the health of the people of this province.

Mr. Speaker, is there some small problem which I should be aware of at this point?

Mr. Deans: No, no. I'm talking to him about another matter.

Hon. B. Stephenson: Oh, fine. I listened very carefully to the hon. member for Wentworth (Mr. Deans). I hope that he will accord me at least similar courtesy.

Mr. Sweeney: That is an unreasonable expectation.

Mr. Deans: I heard every word you said.

Hon. B. Stephenson: You always hear better when you're talking than you do when you're listening.

Mr. Renwick: I am his surrogate.

Hon. B. Stephenson: Okay, fine. Mr. Speaker, there is no doubt in my mind that with the evolution in health care which must come about if we are in fact to achieve any real advantage of the amount of money which we are spending in that area, in that evolution there will be an improved and enhanced and enlarged role for public health nurses. I am convinced that the public health nurses themselves see that at this time, and are working diligently in that direction—in the direction of modifying their traditional roles which have been perhaps less visibly essential than they have been apparent to those of us who have had direct contact with them.

This situation which has arisen vis-à-vis the public health nurses and boards of health is one which is very unfortunate. We are, on the one hand, dealing with a group of peo-

ple who provide important services; a small number of people. I would remind the hon. members of the House that of approximately 2,000 public health nurses in this province about 1,400 are represented by the Ontario Nurses Association. So 600 of the public health nurses are not actively involved in this dispute at this time.

Some of them are, indeed, employed by very large areas like the city of Toronto and have a bargaining unit which is related to the CUPE local in that area. Some have no bargaining unit at all and have preferred to remain independent of organized activity. So what we are in fact dealing with at the moment is about two-thirds of the public health nurses who are functioning within the province of Ontario. And, as has been noted before, five of the locals have, indeed, gone to arbitration and have settled their problems with their employers.

One has to understand that the employers in this instance are the municipalities or the regions of this province, and that the boards of health who are in fact the employers of the public health nurses are, in large part, either elected officials within those municipalities or people appointed by the elected officials within those municipalities.

Mr. Ruston: Appointed by the government.

Hon. B. Stephenson: If we understand or believe in anything related to decentralization or to local autonomy or to decision-making based upon the evaluation and assessment of local needs by people who function within the local area, then I think we must support the concept that the regional board of health made up of local people is a rational route to go. We do have to insist, indeed, that those people who make up boards of health exercise their responsibilities fully.

Mr. Deans: They are not doing it.

Hon. B. Stephenson: I would have to agree that in certain specific instances within this province and related to this dispute, it would be very difficult to state that, indeed, those gentlemen—and they are primarily gentlemen, I would remind you—

Mr. Conway: Don't be sexist.

Hon. B. Stephenson: —have exercised their responsibilities as fully as they should.

Mr. Deans: Men they may be; gentlemen they are not.

Hon. B. Stephenson: Particularly when they related as employers to a group of people who are primarily women. I find this a disturbing situation, as well, Mr. Speaker.

Mr. Renwick: That is not characteristic of you.

Hon. B. Stephenson: But I would remind you too that we have been working, I think, reasonably hard. The hon. member for Wentworth may not think that we have been as diligent as we should, but we have tried

very hard to persuade the boards to come back to the table and we certainly have tried hard to persuade the ONA locals to go back to the bargaining table as well. We have been reasonably successful in a limited number of areas.

You are telling me that my time is up, Mr. Speaker?

Debate concluded.

On motion by Hon. B. Stephenson, the House adjourned at 6 p.m.

CONTENTS

Monday, November 22, 1976

Point of privilege, withdrawing statement made last Thursday, Mr. S. Smith 4867

Huron Regional Centre, statement by Mr. Taylor 4867

Public health nurses' negotiations, statement by Mr. Davis 4868

Economic planning conference, statement by Mr. Davis 4869

Isolated communities assistance fund, statement by Mr. McKeough 4870

Isolated communities assistance fund, questions of Mr. McKeough: Mr. Deans, Mr. Reid,
Mr. Angus, Mr. Conway, Mr. Ferrier 4873

GSW-CGE merger, questions of Mr. Bennett: Mr. Deans, Mr. S. Smith, Mr. Yakabuski .. 4874

Public health nurses' negotiations, questions of B. Stephenson: Mr. Deans, Mr. S. Smith,
Mr. Mackenzie 4875

Appointment of coroners, question of B. Stephenson: Mr. Deans 4876

Freedom of information legislation, questions of Mr. Davis: Mr. Deans, Mr. MacDonald 4876

Death of James Cullen, questions of Mr. MacBeth: Mr. S. Smith, Mr. di Santo 4876

Special education grant, question of Mr. Wells: Mr. S. Smith 4877

Method of accepting applications, question of Mr. Parrott: Mr. S. Smith 4877

Public health nurses' negotiations, questions of B. Stephenson: Mr. S. Smith 4877

North Pickering project, questions of Mr. Rhodes: Mr. Godfrey 4878

Point of order re serving of paper, Mr. Rhodes 4878

Solicitor-client communications, questions of Mr. McMurtry: Mr. Roy 4878

Drugs magazine, questions of Mr. McMurtry: Mr. Swart 4879

Auction of guns, questions of Mr. McMurtry: Mr. Singer 4880

Lack of court facilities, question of Mrs. Scrivener: Mr. Hodgson 4880

Manpower Temporary Services, question of B. Stephenson: Mr. Breaugh 4881

Waterloo regional headquarters, questions of Mr. McKeough: Mr. Good, Mr. Davidson .. 4881

Capital grants programme, question of Mr. W. Newman: Ms. Sandeman 4882

Severn Park development, question of Mr. Irvine: Mr. Riddell 4882

English for new Canadians, questions of Mr. Wells: Mr. Grande 4883

Employment tax credit, question of Mr. McKeough: Mr. Sargent 4883

Ontario's credit rating, question of Mr. McKeough: Mr. Sargent 4884

Report, University of Toronto, Mr. Parrott 4884

Motion re Bill 139, Mr. Welch 4884

Election Finances Reform Amendment Act, Mr. Samis, first reading 4884

Election Public Opinion Polls and Surveys Act, Mr. Samis, first reading 4885

Condominium Property Management Firms Act, Mr. Leluk, first reading	4885
Liquor Control Amendment Act, Mr. Samis, first reading	4885
Family Law Reform Act, Mr. McMurtry, on second reading	4885
Private members' hour, on second reading of Hospital Labour Disputes Arbitration Amendment Act, Mr. S. Smith, Mr. Jones, Mr. Bounsall, Mr. Sweeney, Mr. Drea, Mr. Deans, Mr. Eakins, B. Stephenson	4900
Motion to adjourn, B. Stephenson, agreed to	4911

SPEAKERS IN THIS ISSUE

Angus, I. (Fort William NDP)
 Bain, R. (Timiskaming NDP)
 Bennett, Hon. C.; Minister of Industry and Tourism (Ottawa South PC)
 Bounsall, E. J. (Windsor-Sandwich NDP)
 Breaugh, M. (Oshawa NDP)
 Breithaupt, J. R. (Kitchener L)
 Bryden, M. (Beaches-Woodbine NDP)
 Conway, S. (Renfrew North L)
 Davidson, M. (Cambridge NDP)
 Davis, Hon. W. G.; Premier (Brampton PC)
 Deans, I. (Wenworth NDP)
 di Santo, O. (Downsview NDP)
 Drea, F. (Scarborough Centre PC)
 Eakins, J. (Victoria-Haliburton L)
 Ferrier, W. (Cochrane South NDP)
 Givens, P. G. (Armourdale L)
 Godfrey, C. (Durham West NDP)
 Good, E. R. (Waterloo North L)
 Grande, A. (Oakwood NDP)
 Haggerty, R. (Erie)
 Henderson, Hon. L.C.; Minister without Portfolio (Lambton PC)
 Hodgson, W. (York North PC)
 Irvine, Hon. D. R.; Provincial Secretary for Resources Development (Carleton-Grenville PC)
 Jones, T. (Mississauga North PC)
 Kerr, Hon. G. A.; Minister of the Environment (Burlington South PC)
 Kerrio, V. (Niagara Falls L)
 Leluk, N. G. (York West PC)
 MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General (Humber PC)
 MacDonald, D. C. (York South NDP)
 Mackenzie, R. (Hamilton East NDP)
 McClellan, R. (Bellwoods NDP)
 McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental Affairs
 (Chatham-Kent PC)
 McMurtry, Hon. R.; Attorney General (Eglinton PC)
 Moffatt, D. (Durham East NDP)
 Newman, Hon. W.; Minister of Agriculture and Food (Durham-York PC)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
 Parrott, Hon. H. C.; Minister of Colleges and Universities (Oxford PC)
 Peterson, D. (London Centre L)
 Philip, E. (Etobicoke NDP)

Reid, T. P. (Rainy River L)
Renwick, J. A. (Riverdale NDP)
Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
Riddell, J. (Huron-Middlesex L)
Rowe, Hon. R. D.; Speaker (Northumberland PC)
Roy, A. J. (Ottawa East L)
Ruston, R. F. (Essex North L)
Samis, G. (Cornwall NDP)
Sandeman, G. (Peterborough NDP)
Sargent, E. (Grey-Bruce L)
Scrivener, Hon. M.; Minister of Government Services (St. David PC)
Singer, V. M. (Wilson Heights L)
Smith, S. (Hamilton West L)
Stephenson, Hon. B.; Minister of Labour (York Mills PC)
Stokes, J. E.; Deputy Speaker (Lake Nipigon NDP)
Swart, M. (Welland-Thorold NDP)
Sweeney, J. (Kitchener-Wilmot L)
Taylor, Hon. J. A.; Minister of Community and Social Services (Prince Edward-Lennox PC)
Warner, D. (Scarborough-Ellesmere NDP)
Wells, Hon. T. L.; Minister of Education (Scarborough North PC)
Yakabuski, P. J. (Renfrew South PC)



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OFFICIAL REPORT — DAILY EDITION

Third Session of the 30th Parliament

Tuesday, November 23, 1976

Afternoon Session

Speaker: Honourable Russell Daniel Rowe
Clerk: Roderick Lewis, QC

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CONTENTS

A list of the speakers taking part in the debates in this issue of Hansard appears, in alphabetical order, at the back of this issue.

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LEGISLATURE OF ONTARIO

TUESDAY, NOVEMBER 23, 1976

The House met at 2 p.m.

Prayers.

SUPPLEMENTARY ESTIMATES

Hon. Mr. Auld: Mr. Speaker, I have a message from the Honourable the Lieutenant Governor signed by her own hand.

Mr. Speaker: By her own hand, P. M. McGibbon, the Honourable the Lieutenant Governor, transmits supplementary estimates of certain additional sums required for the services of the province for the year ending March 31, 1977, and recommends them to the Legislative Assembly, Toronto, November 23, 1976.

Statements by the ministry.

UTDC TEST AND DEVELOPMENT CENTRE

Hon. Mr. Irvine: I would like to take this opportunity to inform the members of this House that at approximately 1:30 this afternoon in the city of Kingston, the Minister of Transportation and Communications (Mr. Snow) announced that Ontario's Urban Transportation Development Corporation Limited will locate its urban transit test and development centre on a 480-acre site in Ernestown township in the county of Lennox and Addington. The specific site in Ernestown was chosen after very careful evaluation of a number of potential locations in the area.

The major UTDC programme to be conducted here will be development of an advanced technology rail system for urban transit. As members may know, this is a system which consists of small, quiet, steel-wheeled trains operating on exclusive rights of way. These trains can be operated at street level, on elevated structures or underground.

This programme began in April, 1975, when the Ontario government provided \$6.1 million to UTDC to complete phases one and two of a five-phase programme. During these first two phases UTDC worked with transit operators, municipalities and planners to define the kind of system needed. Based on the results of this work the Ontario government

authorized the corporation to develop and build a prototype system.

Phase three is a 36-month programme which will cost approximately \$55 million, including the cost of the test centre.

Mr. Nixon: It sounds like the old Krauss-Maffei thing.

Mr. Cassidy: That's like down at the Exhibition.

Hon. Mr. Irvine: Relative to this programme, the centre will be equipped with a 2,560-metre track with a station, with elevated and at-grade track sections and with automation—

Mr. Cassidy: You tore the last one down.

Hon. Mr. Rhodes: Never built it.

Mr. Speaker: Order, please.

Hon. Mr. Irvine: —equipment to develop and test its prototype technology.

This new test centre will also play a large role in the development of both the new light rail transit vehicle for Toronto and future generations of light rail vehicles. The centre will include a 4,800-metre light rail track for just this purpose.

In addition to the two tracks, the site will also house office and technical facilities for as many as 100 staff members and sub-contractors.

The selection of a site in the Kingston area is particularly appropriate in light of this government's commitment to a policy of encouraging the development of eastern Ontario. In our view, the Kingston area represents a major focal point of economic development in the eastern sector of the province.

Mr. Cassidy: You didn't pick Prescott. What about Prescott?

Hon. Mr. Irvine: It has a well-developed industrial and commercial base; it is central to both Toronto and Ottawa. It is the home of Queen's University and it is accessible from the country's major highways and railways.

Mr. Conway: Do you think it will save the Minister of Community and Family Services (Mr. Taylor)?

Mr. McEwen: Point of order.

Mr. Speaker: Order, please. Is there a point of order?

Mr. McEwen: Yes, Mr. Speaker, I would like to ask why this particular location was decided on.

Mr. Cassidy: He has never got up before, Mr. Speaker.

Mr. Speaker: Order, please. I'm sure that's not a point of order. The hon. member may ask questions, during the question period, of the minister for information.

Mr. McEwen: I would like clarification if possible, Mr. Speaker.

Mr. Speaker: Can it not wait until the question period? I think it would be more appropriate at that time.

ISOLATED COMMUNITIES ASSISTANCE FUND

Hon. Mr. Bernier: Mr. Speaker, yesterday, my colleague, the hon. Treasurer (Mr. McKeough) of the province of Ontario, announced the establishment of the Isolated Communities Assistance Fund.

Under this fund, three-quarters of a million dollars will be available over the next 16 months to assist unorganized communities in northern Ontario to identify and tackle their most serious local problems.

I would like to stress today that my ministry is moving as quickly as possible to set up the necessary machinery to make sure that applications submitted to us will be processed with dispatch. We also want to establish as soon as possible the ground rules regarding eligibility.

To ensure that we have covered all the bases, I have already made contact with the two unorganized communities associations of northern Ontario, UCANO West and UCANO East, and I will be meeting with them in the very near future to obtain the benefit of their advice on these matters generally and more specifically the establishing of priorities.

In the meantime, I would urge any unorganized community seeking help with local servicing problems to contact its nearest Ministry of Natural Resources office or to write directly to me in Toronto in order that

we may get on with the job of aiding our isolated communities to solve their problems.

WINTER TRAILS PROGRAMME

Hon. Mr. Bernier: The second statement is in connection with the winter trails programme. I'm pleased to announce that once again this year the government of Ontario will operate the winter trails programme to assist local trail clubs to provide outdoor recreation opportunities during the winter months.

Mr. S. Smith: Go right down off the end of the ski jump.

Hon. Mr. Bernier: The programme we are offering this year is made up of three parts. First, my own ministry will again be responsible for the winter trails grooming and maintenance programme. The funds allocated will be \$250,000 and will be used in two ways: non-statutory grants to snowmobile and cross-country skiing clubs to do their own grooming and maintenance of trails, and for maintenance, repair and replacement of ministry equipment which we had loaned to the clubs for this purpose.

Second, the Ministry of Natural Resources will continue its winter trails programme on public lands in high-demand areas of the province.

Third, my colleague, the Minister of Culture and Recreation (Mr. Welch) has asked me to mention that trails clubs may apply to the Wintario fund for financial assistance for trail-related capital projects.

Mr. Breithaupt: I'll bet he has.

Hon. Mr. Bernier: Applications for funding from my ministry's \$250,000 trail programme for grooming and maintenance should be made directly to the nearest office of the Ministry of Natural Resources.

Mr. Ruston: What a farce!

Mr. Breithaupt: The line forms on the left.

Hon. Mr. Bernier: Are the hon. members against the trails programme?

Mr. Kerrio: No, we are just getting the feel of it.

Mr. Speaker: Order, please. The hon. minister has the floor.

Hon. Mr. Bernier: Those clubs wishing to apply for Wintario funding should apply directly to the local field office of the Ministry

of Culture and Recreation. It is our hope that this programme of government assistance will give thousands of Ontario people a rich opportunity to enjoy recreation on winter trails during this coming season.

Mr. Breithaupt: There's a long, long trail a-winding.

ECONOMIC STRATEGY

Hon. Mr. McKeough: Mr. Speaker, today I want to set before the Legislature the government's economic strategy for the upcoming year.

Mr. Breithaupt: That won't take long.

Hon. Mr. McKeough: Our objectives remain unchanged: to sustain economic recovery without rekindling inflation and to keep Ontario fully competitive in terms of investment and new jobs.

The thrust of our policies in the last two budgets has been to reduce the growth in government spending and to trim our bureaucracy in order to make room for private sector expansion and improved take-home pay. I am convinced this has been the right course because it shifts economic resources into the market economy, thereby building a more solid base for future growth and prosperity. We intend to continue this basic strategy of public sector control and private sector expansion during 1977.

Mr. Cassidy: That is known as private affluence and public squalor.

Mr. Speaker: Order.

Hon. Mr. McKeough: In this statement I shall review Ontario's economic performance and prospects. Though the Ontario economy is back on trend, continued healthy expansion requires perseverance in the attack on inflation and a positive climate for increased business investment and job creation. I shall also outline the main dimensions of the spending plan which the government has drawn up for 1977-78 and announce several tax changes. We intend to continue spending restraint in 1977 and to provide long-term tax incentives to ensure that this province records another dynamic and productive year.

Mr. Cassidy: Just like the last one.

Mr. Breithaupt: How big is the deficit?

Interjections.

Hon. Mr. McKeough: In my April budget, I predicted brisk economic growth for the Ontario economy during 1976.

Mr. Bain: You were wrong then too.

Mr. Speaker: Order.

Hon. Mr. McKeough: This was predicated on the strong surge of activity in the second half of 1975, propelled by this government's expansionary actions plus anticipated recovery in the US economy. To date, the American economy has not rebounded as strongly as I had hoped—

Mr. Bain: They don't have the benefit of—

Mr. Speaker: Order, please.

Hon. Mr. McKeough: I know this hurts.

Mr. Breithaupt: It hurts the province.

Mr. S. Smith: Just take an Aspirin and read it anyway.

Mr. Speaker: Order.

Hon. Mr. McKeough: Ontario, nevertheless, is having a reasonably good year. Our real gross provincial product is expanding at better than five per cent, while prices have risen considerably less than I had predicted. Productivity has improved and, adjusting for seasonal factors, nearly 100,000 new jobs have been created since mid-1975.

We can be justifiably proud of these economic results. Over the last three years—that is, during the course of the last business cycle—Canada has significantly outperformed such other jurisdictions as the United States, Japan and the OECD bloc of industrial nations. And Ontario's record in industrial production has exceeded that of Canada.

Turning to the prospects for next year, I am quite optimistic. Published 1977 forecasts for the Canadian economy range from four per cent to better than six per cent real growth, along with a continuing reduction in the rate of inflation. No improvement is foreseen for unemployment in Canada however, and business investment is expected to remain sluggish. I anticipate broadly similar trends for the Ontario economy.

[2:15]

While there is weakness in our manufacturing and construction sectors, exports and consumer spending are advancing strongly. I look forward to a greater increase in new jobs in Ontario than in 1976 which should improve our employment rate.

Overall, I expect our real output in 1977 to grow at about the five per cent rate achieved in 1976, and prices should continue to moderate. This will provide a sound basis to begin the process of phasing out the anti-inflation programme.

The challenge for economic management in 1977 is to ensure that cost and price stability is restored in the Canadian economy so that controls can be terminated on schedule. The reason we have controls today is that during a period of international inflation Canada tried to have the best of both worlds. We wanted high levels of public services and low taxes; we wanted high wages, high salaries and high profits and low costs and low prices. All participants in the economic process—government, labour and business—must now accept with hard-nosed realism that we can't have the best of both worlds.

Mr. Swart: With your government we can't have either.

Mr. Speaker: Order, please.

Hon. Mr. McKeough: To ensure the growth, jobs and prosperities we all want, Canada must remain competitive with its trading partners.

Mr. Wildman: You are going to have high unemployment.

Hon. Mr. McKeough: We are now more than a year into the anti-inflation programme and I believe that the progress made is encouraging. As of October, the year-over-year increase in the consumer price index had declined to 6.2 per cent, a full four percentage points lower than the double-digit level of the previous two years. Certainly, much of this improvement is attributable to the decline in the food prices, which are only partly subject to controls.

Mr. S. Smith: Hurray for the feds.

Hon. Mr. McKeough: But there has also been encouraging moderation in other cost-of-living components.

Some people would lead us to believe that the AIP works only to control wages and salaries—

Interjections.

Hon. Mr. McKeough: —while prices and profits go unrestrained. This view simply does not square with the facts. Collective bargaining settlements have indeed come down significantly to 9.7 per cent in the

third quarter of 1976, from about 15 per cent in the spring of 1975. But real wages are rising faster today than they were prior to controls and the share of gross national product accounted for by wages and salaries has increased over the past 12 months. Corporate profits have not shown comparable gains; in fact, their share of GNP has declined.

An hon. member: Give them another tax concession.

Hon. Mr. McKeough: Later in this statement I shall discuss the matter of profits more fully. Suffice it now to note that shrinking profits bring falling investments and that our economy, with its still growing labour force, must invest and must grow.

I would like to table, for the information of the members, a report prepared by my staff which assesses the operation of the AIP since its inception last October. I am convinced the controls programme has been successful in restraining price inflation without sacrifice of jobs or real income. I am confident the programme can be phased out on schedule.

Mr. Warner: You should be phased out on schedule.

Hon. Mr. McKeough: Hon. members have been informed by the Premier (Mr. Davis) of Ontario's intention to seek other constructive suggestions and proposals for actions this government can take on its own, as well as for directions that national economic policy should take following termination of the controls programme.

Mr. Conway: Did Turner write this?

Hon. Mr. McKeough: We intend, in a public way, to involve representatives of all sectors of society in the development of provincial positions on these matters.

I would now like to turn to the matter of improving productivity, which is the key to strong economic performance in the longer run.

Mr. Cunningham: Give Lorne a job.

Mr. Moffatt: He's got a full-time job.

Hon. Mr. McKeough: Productivity results not just from the efforts of labour but also from capital investments, technological advance and human initiative. In my budget statement last April I drew attention to the wide productivity gap between Canada and the United States. Since then the American government has revised downwards its pro-

ductivity statistics, and Canada's relative performance does not look quite as bad.

Nevertheless, there is no room for complacency. The basic fact remains that productivity in Canadian manufacturing is almost one-fifth below that in the US, while our average wages in manufacturing are above US levels. At the same time, Canadian firms face higher interest costs and Canadian exporters face an exchange rate above parity.

Mr. Lewis: Where is the evidence for that statement?

Mr. Speaker: Order, please. Order.

Mr. Lewis: If that comes from the C. D. Howe Institute, it is not valid.

Mr. Speaker: Order, please.

Hon. Mr. McKeough: The problems created by this situation are well known.

Interjections.

Mr. Speaker: Order.

Hon. Mr. McKeough: Since 1973 there has been little expansion and not enough new job opportunities have been created in Canada's manufacturing sector. Our trade balance in finished goods has continued to deteriorate. Even after the revival in the auto sector, the trade deficit has come down only modestly.

Productivity improvement is a question of vital significance for Ontario, because this province accounts for over half of all manufacturing employment in Canada.

Interjections.

Hon. Mr. McKeough: If we hope to maintain and expand our manufacturing base and the high-paying jobs that it generates, then we have no choice except to increase our productivity.

Ms. Bryden: You are operating below capacity.

Hon. Mr. McKeough: Later in this statement I will outline tax measures to encourage investment in new machinery and equipment, thereby upgrading our efficiency.

I am convinced, however, that there must also be a basic reorientation of thinking and attitudes if we are to remain competitive in the post-control period, including: A recognition that healthy profits are crucial to new investment—

Mr. Nixon: How healthy?

Hon. Mr. McKeough: —a realization that only through increased investment and increased productivity can we secure permanent gains in employment; a recognition that our plants must be of world scale, even though this means more concentrated industries; and a reappraisal of foreign investment policies at both the federal and provincial levels to ensure that we are not discouraging beneficial capital inflows.

Mr. Renwick: What a reactionary approach.

Hon. Mr. McKeough: All members will appreciate the key role played by our private enterprises in generating the new investment, jobs and rising incomes essential to continued prosperity in Ontario.

Mr. Lewis: You sound like a public relations officer for the Chase Manhattan Bank.

Mr. Yakabuski: Will you listen for a change?

Mr. Speaker: Order!

Hon. Mr. McKeough: But this activity will only take place when corporations large and small are earning adequate profits and have confidence about the future.

An hon. member: What does that mean?

Hon. Mr. McKeough: They must also believe in the ability of government to guide the economy with a minimum of interference and to create an environment which encourages savings and investment and rewards private initiative.

Interjections.

Hon. Mr. McKeough: Weakness in profits reduces corporate cash flow and holds down investment. For the interest of members, I have provided a table showing the after-tax profits performance of 30 important Ontario corporations which have reported results for the first nine months of 1976. The figures show a decline for most natural resource companies, including mining, oil and pulp and paper. Overall, after-tax profits are down 2.7 per cent for these large companies, while sales are up 11.1 per cent. Profits before taxes for those 30 large companies show a similar adverse trend.

The rapid inflation of recent years has had both positive and negative effects on corporate profits. While inventory profits have been substantial in many cases, overall growth in profits has slowed considerably since 1974.

Interjections.

Mr. Speaker: Order.

Hon. Mr. McKeough: Pre-tax profits in Canada, which rose at an average of 22.1 per cent per annum from 1972 to 1974 after adjustment for inventory inflation, increased by 8.1 per cent in 1975 and are estimated to rise about 10 per cent in 1976. This downtrend is also reflected in the drop in pre-tax profits expressed as a percentage of gross national income from 13 per cent in 1974 to an estimated 10 per cent in 1976.

Mr. Moffatt: Has the member for London North (Mr. Shore) read this?

Mr. Foulds: Where's the member for London North?

Mr. Speaker: Order, please.

Hon. Mr. McKeough: The longer-run implications of these developments are unclear. In fact, there is much debate about the nature of the impact of inflation on corporation and its implications for social equity, investment and productivity. There is an obvious conflict between the conventional accounting tenets which show rapidly rising profits in inflationary periods and the stock market's negative and nervous reaction. Profits and debt financing are the vital lubricants of business investment and growth and there will be enormous public and private demand for capital in the years ahead.

I believe it is essential that we understand better the implications of inflation on corporate finances. My concern is that dealing with the performance of profits in the economy, we substantially underestimate the impact of inflation on replacement costs to the individual firm.

Mr. Warner: Here we come.

Hon. Mr. McKeough: I think there is general agreement that financial statements, based on traditional historical cost accounting, understate the escalating costs to business of replacing machinery, equipment, buildings and inventory.

As members are aware, investments create jobs. The sensitivity of the investment climate is a real and frequently troublesome factor in the job creation process. I think we have to be concerned, therefore, if financial statements are overstating the profit performance of our industries and overstating the soundness of their position.

At the extreme, we have the example of British Leyland, a major United Kingdom

automotive firm, which was forced into virtual receivership despite financial statements which continued to report profits. The chances are high that this kind of situation is more widespread than we suspect.

The effects of misrepresentation of financial status can affect us in a number of ways.

Mr. Cassidy: Expenses are high.

Hon. Mr. McKeough: Individual investors are faced with incomplete—

Mr. Cassidy: Where was your research in all of this?

Hon. Mr. McKeough: —and inadequate information on which to base decisions. Even well-managed pension funds, which account for a large and growing share of business ownership, face this problem. Certainly, equity markets have discounted share values for the impact of inflation and the dismal results are plain to see. To the extent that traditional business accounting does not reflect these realities, company management is unable to assess accurately its own performance or to determine appropriately capital investment decisions.

I believe, furthermore, that the public interest is not properly served by a narrow access to information about the actual performance of the private sector. This affects not only the public perception of the business community but also government's appraisal of the economic environment and the regulation of securities markets.

There has already been considerable discussion and preliminary study of so-called inflation accounting both in the private and in the public sectors. I believe the merits of such financial disclosure have been well documented and other jurisdictions are already pulling ahead of us in this matter. For example, a programme of action has already been initiated by the Securities and Exchange Commission in the United States, and various countries in Europe as well as Australia are either studying the matter or have taken action on it.

The capacity of the business community to undertake job-creating investment is vitally important to the economic well-being of Ontario and a matter of concern to all of us. Our citizens have a direct stake in the health of business through their pension funds and personal savings. Therefore, the government is establishing a committee to examine the various options open to us and to advise on a course of action for implementing a programme of financial disclosure of the effects of inflation in Ontario.

I understand that others both at the federal level and in various professional organizations have expressed an interest in the problem. I believe, however, that Ontario must take the lead. We have retained the Toronto chartered accountancy firm of Touche Ross and Company to undertake this study, and have asked Michael Alexander, a partner of this firm and a fellow of the Institute of Chartered Accountants of Ontario to take responsibility for chairing the committee. Mr. Alexander has previously been extensively involved in a major study of this issue and has been the author of a number of important papers on the subject.

In addition I have asked four other experienced individuals, representing a spectrum of interests and backgrounds, to assist Mr. Alexander in this undertaking. These four are: Mr. Adam Zimmerman, executive vice-president of Noranda Mines Limited; Mr. James Fleck, the Deputy Minister of the Ministry of Industry and Tourism—

Mr. Lewis: Oh, the Harvard business world.

Mr. Speaker: Order.

Hon. Mr. McKeough: Mr. Sam Martin, professor of business administration, University of Western Ontario, and Mr. Gordon Milling, director of research, United Steelworkers.

Mr. Lewis: If you could find a woman you would have every minority group.

Hon. Mr. McKeough: Peter Honey, assistant deputy minister in my own ministry, will serve as secretary of the committee. Additionally, Charles Salter, director of the Ontario Securities Commission, and Morley Carscallen, partner in Coopers and Lybrand and chairman of the financial disclosure advisory board of the Ontario Securities Commission, will act as advisers.

During the next six months, the committee will solicit the views of a broad range of people with an interest in the subject. I also expect they will involve other individuals and organizations with an expertise in the area to provide an input in the process. I anticipate a full set of recommendations of the scope, process, and implementation procedures for a programme of business disclosure of the effects of inflation.

Along with this statement is a more detailed description of inflation accounting, together with terms of reference of the committee.

Mr. Cassidy: You might begin with some business disclosure.

Mr. Speaker: Order, please.

[2:30]

Hon. Mr. McKeough: Mr. Speaker, a key element in Ontario's economic strategy is control of government spending. The government of Ontario has clearly stated its philosophy on this issue—excessive growth in public spending bids away economic resources from more productive uses, contributes directly to inflationary pressures and detracts from the long-run growth capacity of the economy. We have worked hard in this province to avoid these pitfalls and in the process have emerged with more efficient public services and less upward pressure on our tax structure. This maintains our financial integrity, strengthens our inherent economic advantages and gives us more leeway to respond to short-term stabilization requirements.

Our approach of overall limits on spending growth plus sharper priority setting within these limits will continue in 1977-78. The government has established a ceiling of 9.6 per cent as the spending increase that this province and its taxpayers can afford for the next fiscal year. This compares favourably with the now estimated 11.5 per cent increase in the current year and, more important, is substantially below the expected expansion rate for the economy as a whole in 1977. I shall outline the main details of our 1977 spending plan in a moment, but first I would like to review for members the performance of our 1976 budget plan.

Mr. Speaker, in October we published the second-quarter issue of Ontario Finances. It showed that after six months of the current fiscal year our 1976 budget plan was right on target. On both the revenue and expenditure side our actual performance was within four-tenths of one per cent of the original total, and our cash requirements were virtually unchanged from the \$1,230 million tabled in the Legislature on April 6, 1976. As we enter the eighth month of this fiscal year our finances are still on target. As of today, I estimate our revenues at \$11,378 million, up \$32 million, and our expenditures at \$12,616 million, up \$40 million. This revises our cash requirements to \$1,238 million—only \$8 million above my original plan.

Some hon. members: Only?

Mr. McClellan: What's \$8 million?

Hon. Mr. McKeough: All ministers and deputies of the government have responded to the Premier's (Mr. Davis) strong leadership in controlling—

[Applause.]

Mr. Breithaupt: The member for London North (Mr. Shore) doesn't applaud.

An hon. member: There is one for Roy.

Mr. Bullbrook: Now we know Marvin wrote that.

Mr. Moffatt: Who wrote that?

Hon. Mr. McKeough: I needed a rest.
Interjections.

Mr. Speaker: Order, please.

Hon. Mr. Davis: Great phrase.

Mr. Lewis: Just get to the revised version.

Mr. Speaker: All right now, order, please.

Hon. Mr. McKeough: Mr. Speaker, all ministers and deputies have responded to the Premier's strong leadership in controlling our spending and have contributed to this success.

Hon. Mr. Davis: Ask my wife.

Hon. Mr. McKeough: They have made sure our new budget control system works, even though this meant shifting resources out of their own ministry estimates to meet unavoidable and unforeseen increases in other areas such as hospitals, community arenas and firefighting. This has allowed Management Board to keep in-year spending deterioration to a bare minimum. It demonstrates that with firm resolve, government can trim costs and shift priorities to meet new needs.

To date, the government had identified some \$233 million in spending requirements over and above the 1976 estimates. The Chairman of Management Board (Mr. Auld) will table today supplementary estimates covering \$159 million of this amount. The balance of \$74 million represents statutory items and contingencies for other potential overruns. The important thing, however, is that our net additional spending for 1976 has been kept to \$40 million; the rest of the unavoidable increases in spending have been offset by deliberate savings which we will realize within the original estimates.

The government's top goal in determining its 1977 expenditure package was to contain the increase in our total spending well below the expansion in the economy as a whole. Our second goal was to ensure that our commitments to local governments were fully honoured. Our third goal was to minimize our operating costs and overhead expenditures so

that more resources would be available for job-creating investment projects.

The 1977 spending plan which I am outlining today meets each of these objectives. Total outlays in 1977-78 are planned at \$13,830 million, an increase of \$1,214 million or 9.6 per cent over the current year. Originally the government had aimed at the extremely difficult target of an eight per cent increase for 1977 but found that this was unachievable without harm to essential provincial services. Let me emphasize, however, that this \$13.8 billion amount is the spending ceiling for next year. If new requirements arise during the year, we will adjust our spending plan to find the necessary funds within that total.

Transfers to local governments will increase by \$330 million, in line with our Edmonton commitment. This is a considerably more generous increase at 10.7 per cent than we have allowed for our own account spending, which will rise by only 9.3 per cent.

Ms. Bryden: Still taking some back on the Edmonton commitment.

Mr. Speaker: Order.

Hon. Mr. McKeough: Members will recall that the government announced this important element of our spending plan on September 10, and that early announcement has proved extremely helpful to municipalities, school boards and local agencies. It has allowed them to plan ahead and prepare their budgets for 1977, knowing with certainty the provincial transfers they would receive. I have received numerous messages of appreciation to this effect. To quote a recent letter—

Mr. Moffatt: Which is the other one?

Hon. Mr. McKeough: —from the president of the Association of Municipalities of Ontario: "The board of directors of the association and its member municipalities express their appreciation to you in fulfilling the commitments that you made last year to provide local governments with advance notice on proposed provincial transfer payments for 1977-78 and for having achieved this objective some six and one half months prior to the fiscal year-end of the province and three and one half months prior to the municipal fiscal year-end."

Ms. Bryden: You are not living up to the commitment.

Hon. Mr. McKeough: I am hopeful that we can provide this early notice of provincial

transfers again next year as it obviously is a great help in local budgeting.

Turning to our own account spending, after meeting the Edmonton commitment, we have provided \$884 million in new dollars for all of our programmes. Health care is allotted \$360 million, an increase of 11.6 per cent, including an additional \$64 million for home care, extended care and mental health and other special health programmes. Support for universities and colleges plus student aid is increased by \$89 million, up 9.3 per cent. Provincial social assistance is allotted \$69 million or an 11.8 per cent increase. Spending on agricultural programmes is increased by \$14 million or 12.8 per cent. We have also allotted increases of \$85 million and \$150 million respectively for civil service salaries and interest on the public debt. The remaining \$117 million is distributed among all other programmes, including provincial roads and transit, provincial loans and general government support.

I believe the government has drawn up a balanced and responsible spending plan for next year. When it is brought forward in the form of detailed estimates, I am confident it will commend itself to all members of the Legislature.

In concluding this explanation of our 1977 spending plan, let me report on two related matters. As of October 31, we have achieved our target reduction of 1,000 civil service complement positions during this fiscal year.

Mr. Wildman: How many casualties do you have?

Mr. Speaker: Order, please.

Hon. Mr. McKeough: We are now down to 66,537 complement positions, a cut of more than 4,200 since 1974. This pruning has been a very healthy exercise; it has left Ontario with a leaner and more efficient public service. The government has decided not to push for further complement reductions in 1977. Rather, we shall strive within the constraint of zero growth to achieve further efficiencies in the use of our manpower and better service delivery to the taxpaying public.

One of the most useful actions we have taken in waging our war on waste was to establish a special programme review committee. It brought us refreshing outside perspectives to the evaluation of our spending and challenged long-held views. Having completed its review of the special programme review report, the government agrees in principle with many of its recommendations, as indicated by the summary response which I

shall table today. Details on how specific recommendations are to be implemented or their purpose otherwise accomplished will be the responsibility of individual ministries. The job done by the special programme review committee was a very useful exercise for the government as a whole. We see great merit in undertaking such a searching examination of our spending on a regular basis.

Before proceeding with the tax actions the government now proposes, I should like to report on the fiscal aspects of federal-provincial affairs. As members know, the provinces have been negotiating with the federal government to devise new fiscal arrangements for the next five years. These negotiations have been conducted against a background of federal retrenchment on all major fronts.

On the positive side, however, the federal government has come around in its thinking and seems prepared to proceed with fundamental reforms of our fiscal arrangements, particularly in respect of the mature shared-cost programmes. Members are aware that Ontario and some other provinces have argued consistently that cost sharing should be replaced by tax sharing, providing provinces with the independent fiscal capacity to carry out their constitutional responsibilities. On the basis of the current federal proposals, it appears that Ottawa is now ready to accept this basic change.

I believe an important breakthrough among the provinces themselves has been achieved. After a number of meetings of provincial finance ministers, we have been able to agree on a common position to take to the bargaining table with Ottawa. Undoubtedly, this consensus reflects the concern of all provinces over federal fiscal retrenchments but it also represents a real achievement, given the regional differences that exist across this country.

The largest single issue for the provinces is the revenue guarantee. Its termination without equivalent replacement means an erosion of the occupancy in the income tax field that the provinces have held for over a decade. The provinces are unanimous that a fair and appropriate replacement requires the transfer of four personal income tax points. I believe the federal government recognizes the legitimacy of the provincial argument and will not act in such a way as to jeopardize the trust on which our federal system is based.

What Ontario seeks in these federal-provincial negotiations is disentanglement of

responsibilities and a commensurate redistribution of fiscal resources between levels of government so that public services can be provided more efficiently. Obviously, this should be possible without an increase in the total tax burdens. I am optimistic that the current negotiations with Ottawa will lead to this result. As these negotiations will continue over the next few months, it would be premature for Ontario to pre-judge the outcome by raising its income tax rate as of January 1, 1977. I am announcing today, therefore, that Ontario's tax rate will remain at 30.5 per cent until these fiscal negotiations are finalized. The Minister of Revenue (Mr. Meen) will introduce the bill today.

Mr. Lewis: Surprise, surprise.

Mr. S. Smith: They sure backed down on that one.

Mr. Speaker: Order, please. Order.

Mr. Roy: That's called retreat.

Hon. Mr. Rhodes: You guys are the experts.

Hon. Mr. McKeough: While on the subject of the personal income tax, I would like to take this opportunity to draw members' attention to an important—

Mr. Roy: You backed right off.

Hon. Mr. Davis: No. They're showing some reasonableness up there.

Hon. Mr. McKeough: —to draw members' attention to an important research study just completed by my staff. Ontario Tax Studies 12, which I am tabling today, analyses the major growth characteristics of the personal income tax in Ontario and examines how the income tax system is used to encourage savings and investment. This province intends to continue its research on the tax system and to ensure that the 1972 reforms and subsequent changes work to the benefit of our economy and our taxpayers.

The temporary exemption of production machinery from retail sales tax is scheduled to expire at the end of this year. There is ample evidence that this has been an effective incentive. Our businesses have used it to expand production and improve their competitiveness.

Mr. Cassidy: There is no evidence of that.

Mr. Speaker: Order, please.

Mr. Lewis: There is no evidence.

Mr. Speaker: Order, please!

Hon. Mr. McKeough: All Ontarians benefit from these actions because the economy generates a high return from the tax dollars so invested.

Mr. Lewis: No evidence.

Mr. Speaker: Order, please.

Hon. Mr. McKeough: In recent years, Ontario's share of total new investment in Canada has been declining. A number of factors account for this trend including the massive investment in energy resources and major public projects in other parts of Canada such as the Olympics.

On the other hand, Ontario's share of new investment in machinery and equipment has continued upward, increasing steadily from 38.5 per cent in 1972 to 39.4 per cent in 1975. It is clear from these figures that this province continues to have a strong underlying attraction to the manufacturing and related industries.

Mr. Lewis: That is natural. That has nothing to do with the tax credit. That is just natural growth.

Mr. Speaker: Order. Order, please.

Mr. Lewis: Of course it is.

Hon. Mr. McKeough: Mr. Speaker, this reflects our favourable geographic location—

Mr. Lewis: Precisely.

Hon. Mr. McKeough: —our highly skilled labour force—

[2:45]

Mr. Speaker: Order, please. The hon. minister has the floor.

Hon. Mr. McKeough: —our strong resource base, and of course stable and conservative government.

Mr. Lewis: That has nothing to do with the sales tax credit.

Mr. Speaker: Order, please.

Hon. Mr. Davis: If you don't believe us just recall what happened in British Columbia.

Interjections.

Mr. Speaker: Order. The Treasurer has the floor.

Hon. Mr. McKeough: Mr. Speaker, over the past two years there has been another significant trend in investment patterns in Ontario—a productive shift in favour of private sector investments, particularly in machinery and equipment. The business share of total new investment has risen by more than one percentage point, and the share of machinery and equipment investment a full two percentage point. This transfer of resources directly reflects the government's restraint programme and its tax policies. In particular, the temporary exemption of production machinery and equipment, introduced in April, 1975, and the incentives provided to the mining industry since 1974, have proved to be powerful stimulants.

Mr. Cassidy: Not proven, not proven!

Hon. Mr. McKeough: In 1976, for example, the growth in new investment in our manufacturing and mining industries is expected to be significantly higher than in the rest of the country.

This province must remain competitive with other jurisdictions in terms of attracting new industry and investment. Even with the present exemption on production equipment, the sales tax burden on new investment is higher in Ontario than in Michigan, Ohio, Pennsylvania or New York, and about level with Minnesota and Quebec. A reimposition of the retail sales tax on January 1, 1977, would mean a much higher tax burden in Ontario than in any of these other jurisdictions.

Mr. Breaugh: You can't even say it.

Hon. Mr. McKeough: This is clearly undesirable since it would reduce our competitive edge, hamper investment and retard job creation.

Mr. Lewis: What creation?

Hon. Mr. McKeough: I am including a table comparing our sales tax burden with that of other jurisdictions, to demonstrate why it is so imperative that we keep the sales tax off machinery and equipment.

Mr. Breaugh: Why don't you compare the profits?

Mr. Breithaupt: How many jobs?

Hon. Mr. McKeough: Effective January 1, 1977, therefore, I propose that the current temporary exemption be replaced by a new long-term exemption. This will exempt from tax all production machinery and equipment

used by the private sector in the production of tangible personal property. I estimate that this tax measure will be \$160 million in a full year, and perhaps \$10 million in the remainder of this fiscal year.

Mr. Moffatt: This is incredible.

Hon. Mr. Davis: Your union supports it.

Hon. Mr. McKeough: Examples of the tax savings which—

Interjections.

Mr. Speaker: Order, please. Order.

Mr. Lewis: We certainly know where we get the money for the taxes; right here!

Hon. Mr. McKeough: Examples of the tax savings which will flow to business making new investments in Ontario are set out in the following table.

The definition of production machinery and equipment will be simplified by closely paralleling the federal exemption provision described in part XIII of schedule III of the federal Excise Tax Act. This important tax simplification initiative will be beneficial both to the government and business enterprises. The new definition is also broad enough to encompass pollution control equipment and equipment used to remove waste and noxious fumes. Full details will be provided by the Minister of Revenue (Mr. Meen).

In addition to this long-term cost-reducing incentive, I will be considering the merits of extending the manufacturing and processing fast write-off for Ontario tax purposes. This incentive was introduced by the federal government and paralleled by Ontario in 1972 to reduce the tax burden on the manufacturing sector. This action was necessary to keep Canadian industry on a competitive footing in light of the United States export-encouraging DISC legislation.

In 1974, the federal government extended the fast write-off incentive indefinitely, while we continued it until the end of 1977. The cost of this incentive will be a significant factor in our determination of whether or not it will continue. Under the revenue guarantee, Ontario is reimbursed by the federal government for the loss of tax revenues due to paralleling the incentive, but only until the end of this year. If the corporation tax revenue guarantee expires on December 31, 1976, as announced by the federal government, then Ontario would have to absorb the cost of the fast write-off for 1977 and subsequent tax years. This may be as much as \$80 million in the 1977-78 fiscal year.

The Minister of Revenue will also be introducing a bill amending the treatment of foreign income under our Corporations Tax Act. It will provide a full foreign tax credit to parallel the tax treatment in other provinces.

The above incentives are extended to large and small businesses alike. However, small businesses still face many problems in raising capital for expansion. I am therefore tabling a progress report prepared by my staff on venture investment corporations. You will recall that I introduced Bill 44, An Act respecting the Registration of Venture Investment Corporations, for first reading only with my 1976 budget legislation. Since that time my staff have had extensive discussions with interested individual company representatives, federal and provincial government officials and private sector associations. A revised version of the bill is attached to the report which is being tabled. We have requested a commitment from Ottawa that there will be no federal attempt to discourage or neutralize this incentive programme through contrary tax treatment.

In conclusion, let me sum up my statement today. After reviewing current economic performance and anticipated future trends, the government of Ontario has decided its basic economic strategy for the upcoming year. We will carry forward into 1977 our concerted effort to restrain public expenditure and to foster private sector expansion. These positive policies will work to combat inflation, to strengthen the competitiveness of our industries and to create expanded employment opportunities for our people.

Mr. Wildman: Is this the best you can do?

Mr. Speaker: Order.

Hon. Mr. McKeough: I believe this is the correct policy approach at this time. It builds upon our generally good economic recovery in 1976 and our reasonably buoyant prospects for next year; but it also stimulates the lagging sector of investment, which is the key to improved productivity, job creation and real prosperity in the long run.

Let me state clearly, however, that we will not adhere slavishly to this approach if circumstances change. We are monitoring the economic situation closely and are prepared to take decisive stimulating action, just as we did in 1975, if new policy initiatives are needed. The performance of the economy will be reported in our 1977 budget, along with the province's fiscal and financing programme for 1977-78.

Mr. Cassidy: Never have.

Mr. Conway: How about an election?

Mr. Breithaupt: One election at a time.

Mr. S. Smith: New bicycle buyers grant.

Mr. Sargent: Election promises.

Mr. Warner: If this is the best you can do, resign.

Hon. Mr. McKeough: Mr. Speaker, I am optimistic about Ontario's future. This province has proven consistently that with the right combination of public policies, our inherently strong economy performs dynamically and generates for our citizens a standard of living and a quality of life second to none.

Mr. Eakins: Who wrote this?

Hon. Mr. McKeough: This government, under the wise leadership of the Premier (Mr. Davis), is determined—

Mr. S. Smith: Methinks he doth protest too much.

Mr. Peterson: Who wrote this, Jim Fleck?

Hon. Mr. McKeough: We are determined to continue to provide that right combination of policies for all the people of Ontario.

Mr. Eakins: Tell us more about the Premier.

Mr. S. Smith: You are embarrassed.

Mr. Speaker: Order, please.

Mr. Peterson: Wasting our time with that.

Mr. Cunningham: How much did that cost?

Interjections.

Mr. Speaker: Order, please. Any further statements?

Interjections.

Mr. Speaker: Order, please.

Oral questions.

SALES TAX EXEMPTION ON PRODUCTION MACHINERY

Mr. Lewis: A question of the Treasurer: Is he aware that officials of the Treasury ministry, meeting with those in the lock-up this morning, indicated there was absolutely no study done in the province of Ontario to determine the impact on jobs of his sales tax write-off for the purchase of machinery and equipment last year? And since he has no

knowledge whatsoever of the impact on actual new jobs created by this write-off, why is the Treasurer willing now to give another \$160-million gift to the corporate sector?

Hon. Mr. McKeough: Mr. Speaker, if the Leader of the Opposition would get over some of his pink inhibitions—

Some hon. members: Oh, oh.

Interjections.

Mr. Speaker: Order, please.

Mr. Lewis: On a point of personal privilege, Mr. Speaker.

Mr. Breithaupt: It's like calling him a socialist.

Mr. Speaker: Order, What is the point of privilege?

Mr. Lewis: Just for clarification. I thought the Treasurer was going to say "if the Leader of the Opposition would get over his pique," but as I understand it he said "pink" what?

Some hon. members: "Inhibitions."

Mr. Lewis: "Inhibitions." Okay, I wanted to get it on the record.

Hon. Mr. McKeough: Mr. Speaker, if the Leader of the Opposition would get over his pique that we use the word "profit" and are proud of it on this side of the House—and if he doesn't know what the word is all about, then he doesn't understand it!

Mr. Breithaupt: How many jobs?

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. McKeough: But you won't get over that.

Mr. Yakabuski: The only time he knew about profit was when it was at Browndale.

Hon. Mr. Bernier: He sold a house one time.

Mr. Speaker: Please, let's have the answer.

Hon. Mr. Davis: Where's your Pilkey button, Stephen?

Hon. Mr. McKeough: Mr. Speaker, if the Leader of the Opposition would look at page 29 of the statement and find out that in Michigan, Minnesota, New York, Ohio, Pennsylvania—

Mr. Moffatt: You are wrong again.

Hon. Mr. McKeough: That's where the competition is, and the sooner he learns it the better he'll know that's where the competition is. Let me say this, there's no competition coming from Manitoba, none from Manitoba, none from Saskatchewan. Our competition comes from the States and he knows it.

Mr. Deans: He substitutes volume for logic. He has never been able to show it; never been able to substantiate it.

Mr. Renwick: Boy, it's time to change ministers, I can tell you that.

Mr. Speaker: Order, please. Could we have a non-provocative question?

Mr. Lewis: I hesitate to ask a supplementary, lest he expire from hyperbolic apoplexy, but if he can return to a more civilized demeanour as the Treasurer of Ontario, may I ask him why he is proceeding with this \$160 million gift to the corporations in the manufacturing sector, without any evidence or documentation, when in fact, according to Statistics Canada, the capital expenditure on machinery and equipment for Ontario, 1976 over 1975, declined from 23.9 per cent in the previous year to 10.5 per cent in that year; and when the jobs in the manufacturing sector declined, in 1975 over 1974, by 6.5 per cent, compared to an increase of 2.7 per cent in all sectors?

Hon. Mr. Handleman: What would you do with it?

Hon. Mr. McKeough: Mr. Speaker, as calmly as I can, I say that it's those kind of figures that give worry to us, it's those kind of figures which lead us to say that this province must remain competitive; and the actions we've taken today will ensure that we are competitive.

Mr. Warner: Stop giving money away.

Mr. Renwick: You continue to pursue a system which doesn't work.

Mr. Lewis: Why does the Treasurer continue to use an incentive which amounts to a \$160 million gift to the corporations when—

Hon. Mr. Davis: Nonsense.

Mr. Lewis: —now just listen to this and explain it to me—the 1975 intentions for capital expenditure on machinery and equipment, as set by Statistics Canada, were at \$2.3 billion; after the Treasurer announced his special tax credit the actual preliminary investment amounted to something just over

\$2 billion, that is a quarter of a billion dollars less purchase of machinery and equipment and \$160 million additional from the public purse? How does he justify that?

Hon. Mr. McKeough: Mr. Speaker, we'll be debating this, no doubt, when the bill comes forward.

Mr. Cassidy: Answer the question.

Interjections.

Mr. Speaker: Order, please.

Hon. Mr. McKeough: But I have to ask the Leader of the Opposition, how does he go on justifying the bankruptcy of socialist policy, after seeing what's happening in Europe, in Saskatchewan, in British Columbia? When is he going to get off the red kick?

Interjections.

Mr. Breithaupt: The best defence is an offence.

Mr. Speaker: Order, please. Can we not have a more orderly question period? This is not the time for a full debate; that will come later.

Mr. Singer: Why call order for that? It is not against the rules to call ministers to order too, you know.

Mr. Speaker: Order, please. Is there a supplementary question to that? The hon. member for Welland-Thorold.

Mr. Swart: May I ask the Treasurer a supplementary? How can he justify the exemption of this sales tax to the private sector and not give it to the public sector, particularly local government, when municipal taxes this year increased, by his own figures, on the average of—

Mr. Speaker: Order, please. That's sufficiently far away that it can be a new question later.

Interjections.

Mr. Speaker: Order, please. We're getting into a far-ranging debate here. Let's stick to the original question as much as possible.

Mr. Swart: May I finish the question on supplementary?

Mr. Speaker: No.

Interjections.

Mr. Speaker: Order, please. I think it's going too far afield for a supplementary. You

may work it in at a later time. The hon. Leader of the Opposition.

[3:00]

Mr. Lewis: By way of an additional or new question, Mr. Speaker, leaving the Treasurer's ideological dialectics aside again for a second: If he can, can he explain, since he has no evidence of any jobs being created, and since he is giving away this \$160 million gift to the corporations, is he not concerned that according to his September 10 statement, if memory serves me, the revenues for 1977-78 will be \$12.219 billion, and as the Treasurer has said today that expenditures will be \$13.830 billion his deficit will therefore be tabulated at \$1.6 billion, an increase over this year's deficit of 30.1 per cent? Is that part of his fiscal constraint programme?

Hon. Mr. McKeough: Mr. Speaker, the statement today did not touch on our forecast of revenue; that will be done in the spring.

Mr. Lewis: By way of supplementary, in his statement to the provincial-municipal liaison committee, September 10, 1976, he set out his projected revenue yield at \$12.219 billion quite definitively. Is he now reneging on that projected revenue bill? In other words, he is adding almost \$400 million to our deficit in Ontario by this statement today—

Mr. Yakabuski: Question.

Mr. Lewis: —\$160 million of it to the corporations.

Hon. Mr. McKeough: No, not \$160 million, because that—

Mr. Cassidy: In a full year.

Hon. Mr. McKeough: —that is in a full year, \$10 million for the balance of this year. The \$160 million would not all occur in 1977-78. But if the hon. member is asking if my revenue forecasts have changed since September 10, yes.

Mr. Lewis: Where are they now?

Hon. Mr. McKeough: They will be disclosed at the time of the budget, I assume in March or April.

Mr. Lewis: It was only two months ago you know.

Ms. Bryden: Supplementary, Mr. Speaker, to the Treasurer: If the revenue forecast has changed, will the Treasurer change the

amounts under the Edmonton commitment to the municipalities?

Hon. Mr. McKeough: Mr. Speaker, the change in our revenue forecast at this moment would not make a significant difference in the Edmonton commitment figures.

Mr. Lewis: He didn't know the deficit was there.

Mr. Speaker: Order.

Hon. Mr. McKeough: But I'm not going to get into a discussion today of what revenue forecasts may or may not become next March or April.

THUNDER BAY SKI JUMPS

Mr. Lewis: I have only one further question, if I may, to the Minister of Industry and Tourism who sits back in a somnambulant state—

Mr. Yakabuski: Question.

Mr. Lewis: —stunned by the Treasurer's announcement, no doubt.

Hon. Mr. Bennett: In full support; in full support.

Mr. Lewis: May I ask him, in the words of the document we heard today, in the spirit of government spending restraint, can he explain what he did with those ski hills in Thunder Bay to cost the taxpayers of Ontario several hundred thousand dollars more than originally anticipated? And can he also please release the details of the lease arrangements with the private holding with whom he has entered specific rental arrangements?

Hon. Mr. Bennett: Over the last two or three years we have invested a total of about \$460,000 or \$470,000 in building two international ski jumps at Thunder Bay. While I am willing to admit to the members that they are not profitable—and that's obvious—I think they're a direct contribution to the sports and athletic sector of the province of Ontario as much as it is in the field of—

Mr. Lewis: It's not Minaki Lodge.

Hon. Mr. Bennett: The member asked a question. Does he want an answer?

Mr. Lewis: Yes.

Hon. Mr. Bennett: Okay. Very simply, Mr. Speaker, we have invested funds because we believe it was in the best interests

provincially and nationally in assisting our national and international ski jumping teams. Indeed we have been able to bring to Thunder Bay the American ski jumping team as well as other competitive organizations sponsored by the private sector.

The fact is, Mr. Speaker, at the moment the group in Thunder Bay—and his own member knows as much about the situation as anyone—would like a further investment which we are not committing the government to.

Mr. Breithaupt: Jessiman's fault.

Mr. Lewis: Even for sports and recreation?

Mr. Speaker: Order please. The member for Fort William with a supplementary.

Mr. Angus: Thank you, Mr. Speaker. Can the minister justify to this Legislature the actions of his ministry through the NODC to lease from Mount Norway the land for the outrun of Big Thunder ski jump on only a year-to-year basis instead of a long-term basis?

Hon. Mr. Bennett: Yes, we can justify it because there is a 20-year lease that we're involved in with the Little Norway ski organization.

Mr. Angus: Were you asking for renewal each year?

Hon. Mr. Bennett: Mr. Speaker, at the moment what we are discussing with them is that they are looking for a bigger percentage on the funds paid to them because of the low revenue factors that the Thunder Bay ski jump has derived.

Interjections.

Mr. S. Smith: Supplementary, Mr. Speaker: Will, in fact, the minister table the leases that have been asked for with regard to these agreements with a private report? And can he explain to us how it is that the jump itself is on Crown land and yet the government has still had to enter into a lease with a private company that seems to enjoy a lease on that particular Crown land? Surely some other arrangement could have been made. Will the minister table those agreements?

Hon. Mr. Bennett: I shall look into the fact of tabling the lease and the agreements, but may I say that, while the ski jump is located on Crown property, the run-off from the ski jump is on privately held property.

Interjections.

Mr. S. Smith: Not the jump itself.

With the interjections, Mr. Speaker, I did not hear the answer. Did the minister say he would table them?

Hon. Mr. Bennett: I said I would take it under advisement.

Mr. S. Smith: Under advisement.

Mr. Stokes: I have a supplementary for the same minister. Will the minister undertake the possibility of embarking upon the development of Nordic and cross-country skiing in order to enhance the possibility of recovering some of the investment the government has placed there now?

Mr. Breithaupt: You could have a jump in the lake too.

Hon. Mr. Bennett: I have had the opportunity of discussing that with the member in regard to cross-country skiing. I think it's very obvious that it has a potential in which we might be able as a ministry to encourage the private sector to become much more actively involved. That should supplement and complement the investment we already have in the resort industry that relates to the skiing industry in that part of the province.

Mr. S. Smith: Could the minister please tell us what possible reason there would be for not tabling these leases which involve the expenditure of public money, the taxpayers' money?

Hon. Mr. Bennett: I have already said I would advise this House. I did not say that there was any reason but I would like to review it first.

Mr. S. Smith: Why?

Mr. Speaker: That was the final supplementary. The member for London Centre with the lead-off questions.

ECONOMIC STRATEGY

Mr. Peterson: I have a question for the Treasurer. I am just reviewing his documents of today. On page 3 he projects real growth at five per cent. With prices continuing to moderate from the current 6.2 per cent level, that adds up to 11.2 per cent. Yet on the other hand, on page 18, he is projecting growth at 12 per cent. Could he explain to the people of this province the disparity in those figures, which comes out in gross numbers to about \$500 million?

Hon. Mr. McKeough: Five and six don't make 11 in this particular instance. Those two figures don't add.

An hon. member: Like Minaki Lodge.

Mr. Peterson: Just so we can clear this up, the Treasurer is projecting—

Mr. Speaker: Order, please. We can't hear the question.

Mr. Peterson: At one point in his report, the Treasurer is projecting almost 12 per cent but in another place, when one breaks down that growth, he is projecting real growth at five per cent and price inflation moderating from the current level of 6.2 per cent. I think maybe he needs my help. Five plus 6.2 equals 11.2, is that not so?

Hon. Mr. McKeough: The point is that they do not add. One can't take A and B and add them up to C in this particular instance. Those two indicators don't total.

Mr. Reid: How did the Treasurer arrive at 12 per cent?

Mr. Peterson: What figures is he using to get his 12 per cent real growth then?

Hon. Mr. McKeough: That's a separate figure which is being generally used. It happens to be our figure as well, but that's a separate figure. But one can't break it down into parts A and B.

Mr. Roy: Why don't you just say—

Mr. Peterson: Where does the Treasurer get that figure then? He is using two different figures in two different circumstances to explain the same phenomenon.

Mr. S. Smith: What else is there but real growth plus inflation?

Mr. Peterson: I don't think we'll pursue that now because I don't know if the Treasurer understands it. I just want to refer the Treasurer to page 2 in his report today, where he says the Ontario economy is the top performer. He's talking in those circumstances about industrial production, Ontario being the heartland of the industrialized country. In terms of real growth we are lagging behind the rest of the country. I would like to know his explanation of why we're off in retail sales, in job creation, in housing starts and all of the other very important indicators. Why is there only one we're ahead in?

Hon. Mr. McKeough: We debated this, as I recall, a year ago last summer. As much

as anything there is no escaping the fact that there have been significant developments in other parts of Canada. We can't always be ahead of the rest of Canada, although we would like to. There is no way that the other regions of Canada are going to come up to something approaching our level of prosperity without growing at a quicker rate than we are.

It so happens that specifically one has to look at the very large energy investments in western Canada and at Baie James in Quebec, and to some extent the Olympics. Also what influenced the figures for 1975 in particular were the very large crops on the prairies.

Mr. Peterson: The Treasurer realizes, of course, that Ontario pulls the weighted average down; in fact, the real disparity is much greater than the figures reveal between 8.9 gross and 8.7 gross.

Mr. Speaker: Order, please. Is there a question?

Mr. Peterson: Would the Treasurer not agree with that? He wouldn't?

Mr. Nixon: We are not averaged in with the rest of Canada.

Mr. Peterson: Mr. Speaker, if I may ask a few more questions of the Treasurer on this important document.

An hon. member: You are doing so well.

Mr. Peterson: The Treasurer talked about productivity and paid lip service to it in a very general way. Could he tell what his goals are for growth in productivity and how he sees that coming about?

Hon. Mr. McKeough: Mr. Speaker, I specifically defined that this afternoon. I think what still gives us cause for great concern is that although we have been making productivity gains our competition has been making equal gains. The fact is that our productivity today is still something like 20 per cent below that of the United States in the manufacturing side. I don't know whether it's realistic to think we can ever close that gap completely, given our geography as a country, given a smaller market and given the—

Mr. Nixon: And given the government of Ontario.

Mr. S. Smith: And given the Conservative government.

Hon. Mr. McKeough: —efficiencies of scale which are in the United States but which aren't necessarily here.

Mr. S. Smith: The geography was a good thing a moment ago.

Mr. Peterson: Can I ask a supplementary, Mr. Speaker? Does the Treasurer have any plans or any projections that he is going to require capital investment of so much to get so much increase in productivity? Does he have any plans or any goals in this area?

Hon. Mr. McKeough: Nothing that I would say specifically. I think there is no question that productivity is the sum of several parts. It happens to be—to put it in lay terms—how hard we work; how much money we invest; how technologically advanced the machine is. It will be a combination of a number of those things which is going to bring about productivity gains or continuing productivity gains.

Without being specific this afternoon, I can only tell the member that the Premier (Mr. Davis), the Minister of Labour (B. Stephenson), the Minister of Industry and Tourism (Mr. Bennett), the provincial secretary and others have been giving this whole subject a great deal of thought. We have nothing definite to put in front of the House at this moment.

Mr. Lewis: A supplementary: Where is the specific information for the contention the productivity in Canadian manufacturing is almost one-fifth below that in the US? As I recall, when the C. D. Howe Institute revised its statistics in February, 1976—the statistics which had been used by Macdonald in October when the AIB was announced—it showed that Canadian productivity in the manufacturing sector had come up to a par with or slightly in excess of the US rate.

Mr. Renwick: Yes.

Mr. Lewis: I remember seeing those statistics.

Mr. Renwick: The Citibank figures say the same thing.

Hon. Mr. McKeough: Mr. Speaker, the Howe Institute revised its figures after the Americans had revised theirs. What the original figures had indicated was that the Americans were making greater gains in productivity than Canadians. What was unchanged after the figures were revised was still a relative difference of about 20 per cent on the manufacturing side.

Mr. Peterson: A further question of the Treasurer, Mr. Speaker. He says in his document that he has produced 100,000 jobs since mid-1975 which, of course, was the low point in the business cycle. Could he tell me how many jobs he has created in calendar year 1976?

Hon. Mr. McKeough: Let me correct that. We don't create the jobs. We create the climate, hopefully, in which jobs will be created. The employment figures for—during this year?

Mr. Peterson: Yes.

Hon. Mr. McKeough: They would indicate that for Ontario, on a seasonally adjusted basis, the labour force and employment and unemployment have stood still really since about the beginning of the year.

Mr. Peterson: Just so that I am clear. Is the Treasurer saying there were no new jobs created? How many new jobs in gross numbers were created?

[3:15]

Hon. Mr. McKeough: What we have seen is—there have been jobs created but not nearly as many, perhaps, as there should have been. What we have seen, though, are some people leaving the labour force, perhaps prematurely, but—

Interjection.

Hon. Mr. McKeough: --from the beginning—let me give these figures: Our serious problems began in the last months of 1974, or early 1975. During that time employment has risen from 3,539,000 on a seasonally-adjusted basis to 3,700,000, which is exactly what—161,000 jobs?

Mr. Deans: Can the minister provide the statistics with regard to which firms took advantage of the machinery tax rebate since its inception and the numbers of new jobs created in those particular firms?

Hon. Mr. McKeough: No. There is no rebate. They have not paid the tax. This is an expected line of questioning by the party opposite.

Mr. Lewis: Of course.

Mr. Deans: Of course, because it is relevant.

Mr. Lewis: You add to their profits.

Interjections.

Mr. Speaker: Order.

Hon. Mr. McKeough: There is no way that our firms can compete with Quebec and with our neighbours to the south and pay a seven per cent tax. The question you should ask yourselves is how many jobs you want to “un-create” by high rates of taxation.

Mr. Lewis: That wasn't the reason for your intervention.

An hon. member: The facts of unemployment.

Mr. Deans: You haven't produced one single job by that programme, not one. In fact, you have eliminated jobs.

Mr. Speaker: Order, please.

Hon. Mr. Davis: No.

Mr. Deans: Yes.

Hon. Mr. Davis: No.

Mr. Deans: Yes, you have eliminated jobs. Interjections.

Mr. Speaker: The member for Beaches-Woodbine with a final supplementary.

Ms. Bryden: Supplementary, Mr. Speaker, to the provincial Treasurer regarding the unemployment rate. Is he not aware that—

Mr. Speaker: No, it is concerning the 100,000 jobs which were created. That is what the original question was.

Ms. Bryden: Yes, well since the unemployment rate on a seasonally adjusted basis has gone up between October, 1975, and October, 1976, from 6.1 per cent to 6.3 per cent and the numbers from 239,000 to 247,000, does that not indicate that not enough jobs are being created?

Hon. Mr. McKeough: I wouldn't deny that for a moment.

Mr. Roy: I have a supplementary.

Mr. Speaker: This will be a final supplementary.

Mr. Roy: I would like to ask the Treasurer, in view of the expected high unemployment this winter and in view of the fact that the high unemployment has affected especially the construction industry, in view of the fact that there is a shortage of affordable housing especially in the area of rental accommodation, why didn't you pump some money into that sector to get jobs going and to build affordable housing?

Mr. Lewis: Because it is too sensible.

Hon. Mr. McKeough: Mr. Speaker, I think that the thrust of what I have been trying to say today is that our present difficulties in the economy, both in terms of inflation and terms of job creation not being at the rate which we would all like to see it, are not going to be solved by higher government spending and therefore higher government deficits. Surely if we have learned something in the last two or three years, it's that we can't spend our way out of either inflation or recession.

Mr. Reid: What about these?

Mr. Roy: What about the rebates on cars last year?

Mr. Speaker: The member for London Centre has the floor with a question.

CONTRACT EMPLOYEES

Mr. Peterson: You have cut the civil service down roughly by 1,000 to 66,537. Could you tell me please how many employees are on contract to the government?

Hon. Mr. McKeough: That's a question that should be addressed to the Chairman of the Management Board (Mr. Auld); but there have been answers to questions tabled in the House which would indicate that the number of people on contract, the number of positions, the amount of dollars being expended, have remained relatively the same.

Mr. Peterson: Supplementary: What is that same figure, just for our edification.

Hon. Mr. McKeough: I don't have that in front of me.

ECONOMIC STRATEGY

Mr. Peterson: Just one final question. Rather than this optimism which the Treasurer is displaying, would he not agree with me that when we see these figures, we are lagging behind most of the other provinces in terms of performance in most of the indicated areas, that's an established fact. The only area where it appears we are ahead is in terms of industrial production. When we are creating jobs more slowly, according to the conference board, would the Treasurer not agree this is a time for some very serious action, and indeed some pessimism that leads to some healthy action, rather than just some optimism, that's really in a vacuum as I see it?

Hon. Mr. McKeough: I wouldn't agree that this is the time to be pessimistic. I did indicate at the end of my statement that we would continue to monitor the economy. There are obviously worrying things—and seldom have there not been, I think—but I see no need to change the stance we have taken, other than to continue the stimulation which we have been able to provide for the last year and a half to one part of the economy and which we think is very much needed.

Mr. Speaker: Before we proceed, perhaps the lights might be turned down since the cameras are no longer in operation.

The hon. Minister of Housing (Mr. Rhodes) has the answer to a question asked previously.

NORTH PICKERING PROJECT

Hon. Mr. Rhodes: Mr. Speaker, yesterday the member for Durham West (Mr. Godfrey) inquired as to what action my ministry would be taking tomorrow at the home of one Roy Bambrough in North Pickering in the face of a contention by Mr. Bambrough that a visit from my staff in that area would have adverse effects on the health of his wife.

Through a series of court actions, Mr. Bambrough has been able to remain in possession of the property he occupies, which was expropriated in February 1974 and for which the ministry requested possession in December 1974. In October of this year, a three-man divisional court decision rejected his latest appeal against the ministry's writ of possession and on November 15 his request for leave to appeal to the Ontario Court of Appeal against that decision was also rejected.

The October decision contained the proviso that the ministry would not take possession of the property for a period of up to three months provided that the ministry shall be entitled to enter on the premises at all reasonable times for the purpose of inspection and appraisal of same.

On November 17 an agreement was reached between Mr. Bambrough's solicitor and the solicitor for the ministry, in which it was determined that Wednesday, November 24, would be an appropriate time for the ministry's inspection and appraisal. On Friday, a member of my office staff was served with a notice, the contents of which were discussed by the hon. member yesterday, and we have interpreted this notice as a revocation of the agreement reached between the solicitors two days earlier. Consequently, the

ministry has withdrawn for the time being its instructions for the appraisal team to enter the property occupied by Mr. and Mrs. Bambrough. On Monday, Mr. Bambrough's solicitor was notified to this effect and informed that the ministry would apply to the court for more detailed instructions as provided for in the divisional court order of October 14.

Mr. Nixon: A supplementary: I wonder if the Minister of Housing could indicate, since the expropriation of that property in the Pickering area has caused so much disruption, both in the community and in this case personal disruption, what sort of a timetable the government has got for the development of that property, which they have been messing around with now for about three years or longer than that. Surely the minister ought to be getting out of that business and not continuing the pressure on the property owners in the area.

Interjection.

Hon. Mr. Rhodes: The member is not sure where North Pickering is. What is he talking about?

Mr. S. Smith: The minister knows where it is by now.

Hon. Mr. Rhodes: The hon. member is correct; there have been some difficulties with the acquisition of the land. I think all members are aware of that. There are still some of these matters to be cleared up and until such time as they have been finalized, it is very difficult to get on with the project. Some of the planning is carrying on, as it has been for some time now, and the North Pickering Development Corporation is working towards the goal of that development.

Mr. Speaker: A final supplementary.

Mr. Godfrey: A supplementary: Will the minister confirm that the plans were to dispatch six to eight officials in order to carry out the appraisal inspection and rental assessment and is this the usual number which is sent on that sort of an expedition?

Hon. Mr. Rhodes: Mr. Speaker, I don't know whether it was six, eight or a dozen and I don't know whether it is the usual number. The only time I've heard about these figures is in the document that was delivered to my office, in which Mr. Bambrough indicates that he was informed that some six to eight officials or agents were proposed

to go to his property. I don't know what the number would be, sir. I have no idea.

Mr. Godfrey: I suggest you ask your officials.

Hon. Mr. Rhodes: I suppose I could ask and find out. But, with respect, I cannot always accept what appears in a document that really is just a typed document, whether it is accurate or not.

Mr. Godfrey: Find out.

Hon. Mr. Rhodes: I am quite capable of finding out; I will do so.

LAYOFF OF CASUAL AND UNCLASSIFIED EMPLOYEES

Mr. Wildman: Mr. Speaker, I have a question for the Chairman of Management Board. In view of the statements made by the Minister of Natural Resources (Mr. Bernier) and his deputy minister on October 27 of this year during the debate on MNR estimates, that they were very concerned about Management Board's proposal to require a yearly three-month layoff of casual and unclassified staff and were appealing that decision because MNR has considerable investment in these people and could not function without them, has Management Board reconsidered this proposal?

Hon. Mr. Auld: Mr. Speaker, all I can say at the moment is that Natural Resources has a problem about complement and part-time staff and we're attempting to resolve it and probably will in the next three months.

Mr. Wildman: Could the minister indicate how many other ministries, other than the Ministry of Natural Resources, and how many individuals on the staff of these ministries are affected by these decisions? Does the minister really consider it honest to agree to allow casual and unclassified staff to accumulate sick-leave benefits in the spring and then to propose a policy in the fall to prevent these people from working long enough to be eligible to collect these benefits?

Hon. Mr. Auld: In answer to the first question, Mr. Speaker, I can't give that figure to the hon. member today. In answer to the second question, I will produce the information, which will take a little time to get, because, as perhaps the hon. member knows, there are different types

of unclassified staff. There are those who will work sort of permanently but on a part-time basis, if I can put it that way. There are those who are working permanently on a short-term basis, say a year or two years, and there are those who work seasonally. Some of the seasonal people, particularly in the north, work say in the wintertime for Transportation and Communications in snow-ploughing and they work for Natural Resources in the summertime in tree planting. It's a rather complicated arrangement, but I'll attempt to get that information for the hon. member.

SEVERN PARK DEVELOPMENT

Mr. Riddell: Mr. Speaker, this is the question I asked the Provincial Secretary for Resources Development (Mr. Irvine) yesterday, but receiving the usual answer I must ask the Minister of Natural Resources: What rationale could he possibly have used in reaching a decision to turn over a 25-acre parcel of wooded land known as Severn Park, south of Grand Bend, to Grand Bend and Bosanquet township for a possible use as an area community centre and other recreational facilities when he knew that this park presently has a tremendous stand of oak and pine, it's used as a day camping centre and picnicking area for tourists, and right across the road from this area is land owned by the province which is scrub land and could well be used for the construction of a community centre?

Mr. Conway: Any politics in it, Mr. Bernier?

Hon. Mr. Bernier: Mr. Speaker, the Severn picnic area to which the hon. member refers was surplus land picked up by the Department of Highways back in 1942. We have developed it as a day use area over the years, but it has become surplus to our needs and the Grand Bend people were in to see us with a very interesting proposal for the 28 acres, one that would continue—

Interjections.

Mr. Speaker: Order please.

Hon. Mr. Bernier: —the area as a picnic area for day use for the people who now use it and also for expanded recreational needs of the entire area. I am confident that the decision we've made is the right one, in the best interests of all the people in that specific area where the greatest use can be made of it by the greatest number of people.

Interjections.

Mr. Riddell: Would a factor in the minister's decision have anything to do with the fact that Don Southcott, a former executive assistant to the former Treasurer, Charles MacNaughton, within the last month purchased the adjacent lot to Severn Park, knowing that he's a developer and knowing that he wants to develop that land for which severances have been turned down to this point in time?

Hon. Mr. Bernier: No, Mr. Speaker.

Mr. Ruston: Lorne must have had a finger in this.

Hon. Mr. Bernier: You are denying your people a recreational opportunity.

Mr. Riddell: Further supplementary.

Mr. Lewis: Give him another supplementary.

Mr. Speaker: The hon. Solicitor General has the answer to a question asked previously.

Mr. Roy: When you are embarrassed you back off.

Interjections.

[3:30]

Hon. Mr. MacBeth: Mr. Speaker, The Legislature will recall that yesterday—

Mr. S. Smith: Point of order, Mr. Speaker.

Mr. Speaker: Order, please, the hon. Solicitor General, if we may.

An hon. member: It's a trap.

Mr. Bullbrook: Don't get excited, sit down for a few minutes.

Mr. S. Smith: Point of order, Mr. Speaker. Under what rule of the House have you decided to limit supplementaries to one supplementary on a serious question of this kind?

Mr. Deans: That is his prerogative.

Mr. Speaker: In the first place the hon. member didn't rise until after I started to call the Solicitor General.

Interjections.

Mr. Speaker: That is number one; number two—

Mr. Eakins: It was embarrassing.

Mr. Speaker: No, not a bit.

Interjections.

Mr. Speaker: I think really it wasn't a proper type of supplementary at any rate.

Mr. Cassidy: You didn't hear it, Mr. Speaker.

Mr. Bullbrook: That has never stopped you.

Mr. Lewis: Show some latitude.

Mr. Speaker: On top of that it is the prerogative of the Speaker. I see the time is just about up and I am sure the hon. minister wishes to give the answer to the member who asked a question yesterday.

Mr. R. S. Smith: You sound like the Premier (Mr. Davis).

DEATH OF JAMES CULLEN

Hon. Mr. MacBeth: Sorry to cause you so much trouble, Mr. Speaker.

The Legislature will recall that yesterday the member for Hamilton West (Mr. S. Smith) raised a number of questions concerning the death of James Cullen at Inco and the subsequent inquest into that death. I shall attempt to answer each of his points in turn.

The hon. member stated that the site where the death occurred was blown up before a coroner's jury was able to view it. There were, in fact, two inquests concerning Mr. Cullen's death. During the first inquest, held on July 15, the jury did visit the scene. However, when there were complaints about the verdict and recommendations made by the first coroner's jury, a second inquest was scheduled.

On October 22 the lawyer for Inco met with the deputy chief coroner. One of the matters discussed was the possibility of the second jury visiting the site. Dr. Bennett doubted the value of such a visit—I might say that Dr. Bennett is the deputy chief coroner—because seven months had passed since the accident. During the intervening time the scoop tram which was involved in the death had been moved and blasts in other areas of the mine had altered the site. It should be stated, however, that the company was fully co-operative and did extend an invitation to visit the scene if Dr. Bennett deemed it necessary.

On November 11, Inco's mines manager informed the lawyer for Inco that he planned to blast an area adjacent to the death site, but which would affect the death site. The lawyer told the mines manager to go ahead with his plans. The blast was carried out on November 13.

During the second inquest, the jury expressed an interest in visiting the site. Dr. Bennett arranged to take the jury to the mine where they viewed a similar scene just 200 feet from the actual site. While there the jury studied the scoop tram which was involved in the death.

In the second part of his question, the hon. member asked about the power of a coroner under section 11 of The Coroners Act to order Inco not to disturb the site. Section 11, which enables a coroner investigating a death which occurred by violence in a wreck to take charge of the wreckage, is interpreted to mean a vehicle such as a car, bus, train or airplane. This section is not intended to cover buildings, mines or other sites.

It would have been impractical for the coroner to preserve the site for eight months. Because blasts in other areas of the mine had an impact on the site, Inco's entire operation in that locality would have had to have been stopped.

In any event, the site was protected for several days to allow the coroner and the police to carry out their investigations. Photographs were made and samples were taken which were later examined at the inquest. This procedure has worked well in the past and I see no reason to amend The Coroners Act to broaden the powers of a coroner.

In conclusion, I will state again that the staff of Inco co-operated fully with the coroner's investigations. I will also add that I am satisfied with the actions of Dr. Bennett, the deputy chief coroner.

Mr. Laughren: A supplementary, Mr. Speaker.

Mr. Speaker: The member for Nickel Belt.

Mr. Laughren: Has the minister taken any action on the recommendation of the inquest jury that there be an investigation by a joint committee of management, labour and government, to investigate conditions in mining at the Frood mine?

Hon. Mr. MacBeth: Mr. Speaker, we receive a good number of inquest reports from the various coroner's juries and in turn we pass them on to the ministries concerned. I might say that the report of the second inquest has not yet been received by us.

THUNDER BAY JAIL

Mr. Foulds: Mr. Speaker, a new question to the Provincial Secretary for Justice, in the absence of the Attorney General (Mr. Mc-

Murtry). In the desire of his government to modernize the court system, will he undertake a full scale review of the administration of justice in Thunder Bay, particularly paying special attention to the scheduling of trials in Thunder Bay? I would like the provincial secretary to note in that review, if he would, the critical remarks of Judge J. C. Duthie with regard to the Crown attorney in Thunder Bay, having scheduled a full schedule of trials for November 5 and then having left that to a part-time Crown?

Hon. Mr. MacBeth: Mr. Speaker, this sounds, rather than a general view, as if it had specific implications to a certain location and a certain set of facts, and I will pass that to the Attorney General.

Mr. Foulds: A quick supplementary, if I might: In the review that the provincial secretary passes to the Attorney General, will he ask him to look at the latest report from the new inspection panel that replaces the grand jury, which indicates that the average stay in the Thunder Bay jail is three months and sometimes as long as six to 10 months, whereas the jail itself was built for prisoners staying from a mere two to three days? And might he, as Provincial Secretary for Justice, co-ordinate that investigation between the Minister of Correctional Services (Mr. J. R. Smith) and the Attorney General?

Hon. Mr. MacBeth: I will pass that as well, sir, to the Attorney General.

STOUFFVILLE DUMP

Mr. Gaunt: A question of the Minister of the Environment in respect to the Whitchurch-Stouffville landfill site. Why is the minister unable or unwilling to provide the hydrocarbon content of the drinking water, even though the town council of Stouffville has asked for this several times? And why was the certificate of approval issued before this was done?

Hon. Mr. Kerr: The certificate of approval—dealing with the last part of the member's question—was issued in August and at that time we had the necessary data as far as drinking water is concerned. There have been more tests. I realize that the town council and some of the citizens in the area, at this time of year particularly, are interested in getting more recent tests as far as drinking water is concerned. I've had a request from some of the citizens for that; it's a matter of getting the analysis done

and getting the information to the town council.

Mr. Gaunt: Supplementary, Mr. Speaker: May I ask the minister why the monitoring programme is going to be carried on by York Sanitation instead of the ministry in view of the fact that the company has had a rather poor record in this particular area, and because of the fact also that the Environmental Hearing Board recommended against it?

Hon. Mr. Kerr: No, Mr. Speaker. The Environmental Hearing Board recommended that the company in fact do that monitoring on a regular basis and supply the ministry with that information. We have reasonable ways of checking the monitoring to make sure that it's accurate and is done properly, and it applies to that site. We were satisfied with the information we received from the company, although not necessarily with the results. So rather than the ministry go to that expense, this is a requirement of the board's recommendation in respect to the company, and it's rather a normal thing to do.

Mr. Speaker: The time has expired.

Petitions.

Presenting reports.

REPORTS

Hon. Mrs. Birch presented the second annual report of the Ontario Advisory Council on Senior Citizens.

Hon. Mrs. Birch: Members of the Legislature will recall that the report was distributed during the summer recess of the Legislature. According to population statistics, Mr. Speaker, the senior age group in Canada by the year 2000 will be approximately 20 per cent of the total population. I am sure that you will agree that a greater effort must be made by all age groups to use more fully the human resources of this very large percentage of our population, so that our senior citizens may continue to contribute to the general welfare of our province and of our country.

It is with this recognition in mind that the Ontario Advisory Council on Senior Citizens was established in April of 1974, to advise the government of Ontario on matters pertaining to the well-being of the aged and the ageing process. The report outlines the activities of the council during its second year of operation. I know that all members

of the Legislature will join me in welcoming the council's very able chairman, Miss Hope Holmested, who, along with other members of the council, is with us today in the Speaker's gallery.

Mr. R. S. Smith: Is that why you cut the grants?

Mr. Speaker: Motions.

MOTIONS

Hon. Mr. Welch moved that the supplementary estimates for the Ministry of the Environment be referred to the standing resources development committee.

Motion agreed to.

Mr. Speaker: Introduction of bills.

CORPORATIONS TAX AMENDMENT ACT (No. 3)

Hon. Mr. Meen moved first reading of Bill 168, An Act to amend The Corporations Tax Act.

Motion agreed to.

Hon. Mr. Meen: As indicated earlier this afternoon by the Treasurer (Mr. McKeough), this bill amends the foreign tax credit provisions of Ontario's Corporations Tax Act. The changes will bring Ontario's Act more closely into line with federal legislation. These changes will provide more equity for Ontario-based companies doing business internationally and by more closely paralleling federal treatment will assist Ontario in its pursuit of tax simplification.

INCOME TAX AMENDMENT ACT (No. 2)

Hon. Mr. Meen moved first reading of Bill 169, An Act to amend The Income Tax Act.

Motion agreed to.

Hon. Mr. Meen: This bill contains two amendments. The first will set the provincial income tax rate, as indicated by the Treasurer, for the 1977 taxation year at 30.5 per cent of the basic federal tax payable. I would emphasize that this is the same income tax rate which the province has maintained since 1972.

The second amendment I propose pertains to Ontario's sales tax credit and was precipi-

tated by proposed amendments to The Income Tax Act, Canada. It will further simplify the calculations of the sales tax credit for all Ontario tax filers.

RETAIL SALES TAX AMENDMENT ACT (No. 2)

Hon. Mr. McKeough moved first reading of Bill 170, An Act to amend The Retail Sales Tax Act.

Some hon. members: Shame.

Mr. Speaker: Order, please.

Motion agreed to.

Mr. Lewis: I want to tell the Treasurer, he has given us \$160 million a year to play with on the hustings, and we will. I have been looking for that chunk of money to underwrite other programmes. I owe him a debt of thanks.

Hon. Mr. Welch: Before the orders of the day I wish to table the answers to questions 147, 148, 149, 150 and 151 standing on the notice paper. (See appendix, page 4964.)

Mr. Speaker: Orders of the day.

FAMILY LAW REFORM ACT (concluded)

Resumption of the adjourned debate on the motion for second reading of Bill 140, An Act to reform the Law Respecting Property Rights and Support Obligations between Married Persons and in other Family Relationships.

[3:45]

Mr. Roy: Mr. Speaker, I think you will recall that I adjourned the debate on this matter. I'd like to make a very few brief comments on the legislation at this time.

As you know, Mr. Speaker, this type of legislation has been a long time coming. Many of my colleagues and certainly the press have given lengthy accolades to the Attorney General (Mr. McMurtry) for bringing forward this legislation, and I suppose to some degree he deserves some. But basically the Attorney General, being the astute politician that he is, and having some personal initiative—I'll give him full marks for that—is the fortunate beneficiary of the work of an awful lot of people and of many of his predecessors. And I think he'd be the first—

Hon. Mr. McMurtry: You are absolutely right.

Mr. Roy: —yes—to admit this. But fortunately for you, it's not going to hurt, in the scheme of things, on your behalf, and in some ways I envy you. I say it's great. It's worthwhile legislation, and at least you had enough foresight and initiative to bring it on now.

But it must be said that across the province and in the country as well not only those of us involved with the law but I think the public generally speaking, have felt that the laws have not moved fast enough to keep up with 1976 society. I'm probably emphasizing the obvious by saying that, but this has always been a problem of the lay people who could not understand the laws and why the laws did not adapt quick enough to current situations. And that's certainly the case in the question of family law reform.

We've had in the last while major decisions which have, to some measure, facilitated the task of the Attorney General to bring forward this type of legislation. Because there have been obvious cases which have stunned the public, or stunned at least the feminine population of this country. You talk about the Murdoch case; you talk about other cases that have come forward. Slowly but surely the pressure has been such that governments and Attorney Generals—hopefully you'll have some colleagues across the country—will react and bring forward this type of legislation.

But the point is this: we mustn't get all that carried away in the sense to think that this is something that is going to change the whole approach to the family law situation. I think this was highlighted today in an article in the *Globe and Mail* which says that there's still an awful lot of discretion. In fact it's suggested in this article that there is too much, in fact, discretion left in presiding judge in these cases. I intend to deal with that later, because I think, to some degree, it's necessary that you have it that way.

But there are many of the aspects of course that are covered in this legislation which existed before, where the law was evolving to some degree. For instance, the question of the matrimonial home, the question of support payments, the question of obligations of parents towards children and of children towards parents, and so on, were highlighted by the press when the law came up. In fact there were existing laws to this, support obligations in fact in following common law unions. There was always law which said that the parents, the natural parents, the natural father, had some obligations towards his children. This is not a new concept. We had jurisprudence that was saying that before.

I want to deal with some general aspects of the law. If I may, I will start first of all with the question of the common law relationship; look at the way that we are approaching it and try to highlight some of the concerns that we have about giving some legality or some status to the common law relationship in our society.

The common law relationship is something, I suppose, that has flowed on the basis of necessity. In other words, the common law relationship, I think, has become a popular form of union in the past 25 or 30 years, basically because the laws have not reacted quickly enough to situations that existed in society. I think the proliferation of these unions across the country, Mr. Speaker, was basically due to the fact that couples who could no longer live together simply separated. It's only a few years ago that the grounds for divorce were enlarged. At that time the only grounds for divorce was, basically, adultery, so rather than get involved in expensive actions—hiring detectives to find the people in the act of committing adultery—rather than get involved in this type of hassle and the cost of it all, people felt it was easier just to live together.

I suggest to you, Mr. Speaker, that the proliferation of the arrangement, by and large, was due to some of this. I am not saying it is not that religion may be less of a factor in today's society than in the past, and that people aren't hung up about the fact that maybe they should live together for a period of time in sort of a trial marriage. Our sexual habits and behaviour have changed over the years, Mr. Speaker, and these are all factors which contribute to the proliferation of common law relationships.

But nevertheless, my concerns about giving some status to common law relationships are basically these: You are quite aware, Mr. Speaker, that the grounds for divorce have been enlarged somewhat, but to many people the grounds are still not wide enough. There is the suggestion, for instance, that the grounds should be basically a breakdown of the marriage, for whatever reason. I personally don't find that approach all that offensive.

Coupled with the fact that there were more grounds for divorce was the fact that Legal Aid came into force. One has only to look at the budget of Legal Aid to realize how many divorces were cranked through the courts over the last few years through Legal Aid.

So my concern is that at a time when divorces are easier, when people who don't have sufficient money can go to Legal Aid to

get their divorces, we seem to be giving some status to common law marriage.

I think we should look at this very carefully. Are we simply legalizing a situation that exists out there in society or are we starting to look at alternatives to the pillars that support our community?

Our whole society is based on the family unit—the family with the responsibilities, the contract between the parties and what that entails for the children, for their parents and so on; that is what society is built on.

Some of my colleagues have expressed this concern, and I think it is a valid one: I think we have to be concerned that we are not looking at a new sort of unit whether you call it common law or otherwise, a unit which involves an abdication, to some degree, of the responsibility of the spouses toward themselves or toward the children.

There are many people in our community who say that this is the case. Our church leaders have talked about this. Many in society at large see an evolution of history, and are concerned when you change the family unit for something else. In the history of mankind we have yet to find an alternative to good strong family units as the basis of society.

I suppose one of the answers to this concern is that what we are now doing with the law is not in fact establishing a new form of relationship but legalizing it; or at least determining the rights and privileges and responsibilities of the parties already involved in it. In other words that the law, instead of leading in this direction, is reacting to the present situation.

What the Attorney General is attempting to do with this law is to say look, there are all sorts of common law relationships out there and we don't like the situation, where maybe some spouses don't get their full rights under that type of a relationship, where maybe husbands or wives get away from their support obligations toward their children under this type of relationship. Possibly this is what we are attempting to do. I would hope that we would be careful when we move in that direction.

When the Attorney General first announced the legislation, he expressed some concern about exactly that and he said, "We are not trying to make it easier for people to live common law or we are not trying to make it look like an alternative sort of relationship which is going to be more convenient and a better relationship than marriage." In marriage, we still have a situation

in which we will be able to have some marriage contracts but that has changed in the last while. The Attorney General seems to have changed that. He says now we are going to allow contracting situations in common law relationship.

I would like to know the reason for that, the in-depth reason for that. I suppose the Attorney General has received comments from both camps. Some have said to him, "We are against bigamy in society and, by and large, with these common law relationships and giving them a certain status, we are contravening a basic principle of society that, for instance, you can have only one wife under the Criminal Code."

In this particular situation a man can have a wife and a whole series of other common law relationships with certain rights and responsibilities. We have to be careful. I am sure our church leaders and people involved, leaders of the community, have expressed some concern.

On the other hand, we have other people saying it is none of our business. The Attorney General's own brother said, "Stay out of my affairs. I will do whatever I please"—with some validity. People got involved in common law relationships because they didn't want all the hassle. They just didn't want to be bothered and then big brother—the Attorney General is big brother, isn't he?—comes along and says: "Look at all these responsibilities." He has a valid point as well.

I take it the Attorney General has tried to arrive at some compromise—maybe the criticism was made as well that it is going to be tougher on common law spouses in a common law relationship than in a marriage because in a marriage one can contract out of certain obligations but one cannot under common law. Maybe that's the reason the Attorney General has sort of changed his approach and said: "We will allow contracts, certain contracts, pertaining to common law relationships."

These are some of the concerns that certainly we have on this side and I have personally. I am anxious to hear all sorts of points of view on this because, as I mentioned, we must be very careful in our society that we don't undermine its very pillar and that's the family unit. As we proceed through this legislation it is going to be interesting to hear the points of view of many citizens, community leaders, lawyers and so on on the question of common law relationships. This is by and large my concern.

The other concern, of course, under the legislation—I am trying to deal with some of the broad principles of it—is that when it comes to sharing property, a lot of feminists and a lot of women's groups thought that this legislation was sort of a godsend, but I would say be careful. In many instances, wives were better protected under a system other than this law under the present system.

I see the Attorney General frowning. I will give him an example and this is going on in our courts every day. A husband who is anticipating maybe some problems with his business puts the matrimonial home in the wife's name to protect his wife and children from any business failure. Under the old system, the law presumed that he had made a gift at that point and he had to prove what was called the resulting trust. Many husbands got caught in a situation in which the marriage broke down and said, "I just gave it to her to protect her from financial hardship." But the wife said, "No, that's not the situation." It belongs 100 per cent to her and that was the case. Under the legislation now, this will not happen.

Hon. Mr. McMurtry: Why not?

Mr. Roy: It will not happen because, as I understand it, first of all the law deems it to be a 50-50 proposition and no one can contract out of that. That's the way I read the legislation.

Hon. Mr. McMurtry: I will try to explain it to you.

[4:00]

Mr. Roy: You'll try and explain it to me. Well I'll look forward to that, because as I understood it, this was the case. My concern went a point further in that, and this has been expressed by some of my colleagues in a sense, that what happens in a situation if a husband attempts to do that now and the creditors say: "No, it's a 50-50 proposition." So a creditor could end up, in fact, being a partner of the wife.

Hon. Mr. McMurtry: That just isn't what the law—

Mr. Roy: I've read the law and I tell you it's not all that clear, it's not all that clear on that point. I know you can bring a motion; I've looked at it; I've read it quickly and I've read further on some of these matters; but I'm anxious to hear your explanation on that because it is not all that clear how you will avoid that type of situation.

Mr. Deputy Speaker: I think you'll always run into that trouble when you have laws written by lawyers. If you'll continue—

Mr. Roy: Mr. Speaker, especially that lawyer there. That is one of the concerns I had about that.

The other concern is that we're getting involved in this province in this whole business of marriage contracts. As one who has practiced in Ottawa, I see people coming in from Quebec, with the movement of people going both ways, and they come along with their marriage contracts at the time of dissolution of their marriage. I tell you that marriage contract was entered into at a time when there was marital bliss, everybody was in love and everything else. They sort of frown and there's not much weight given, at least in Ontario, to these marriage contracts. I'm really concerned that we're getting involved in this whole business of marriage contracts.

The first point is that if we enact certain laws, it is somewhat offensive to the whole principle that you have a law that you can contract out of. It's offensive to the whole common law aspect, and that we have to be concerned about. But there is another problem, apart from making work for an awful lot of lawyers across the province—although that might be a good thing the way they are cranking them out of the bar admission course or law schools; maybe they'll need a lot of work in this because if there is one consensus about this legislation it's going to make a lot of work for the lawyers, there's very little doubt about that.

The marriage contract is going to be something else. I'm always concerned that parties are going to get involved in these contracts or be bound by contract at a time when the anticipation of what may happen in the future may well be different on the question of property, the relationship between a party and so on. In other words, you get two parties in love and prepared to compromise. Many of us just have to look back on those days and how easy it was to compromise then, to adapt and everybody is giving which and what. Here they get involved and bound by this contract and a few years later all hell breaks loose at the time of dissolution or separation or whatever, and you try to enforce that contract.

I'm convinced that couples today, when we're trying again to facilitate procedures for divorce, marriage and so on, the everyday individual on the street will not be running to his lawyer, or they won't be running to their lawyers to get involved in a contract.

Maybe people with a proper income and education and so on will be protected; they'll get proper legal advice and so on; but the every-day citizen of this province will not get involved in this type of situation. The fact remains, let's be careful before we get involved in a situation of contract.

I'm not convinced it's working all that well in Quebec; and again I express the concern that parties are entering into contracts at a time when they're compromising and the contract of course only becomes valid or enforceable at the time the dissolution takes place. It seems to me that is a much different situation than at the time they entered the contract, it's hard to anticipate what's going to happen in the future.

I can see lawyers getting involved in drafting these contracts in anticipation of all sorts of problems. Boy, some of these contracts, if they start looking like some of our separation agreements that have been drafted by some members of the legal profession, are going to be something to read and something to enforce.

Like I say I think there's going to be enough work for lawyers created by the legislation without getting involved in marriage contracts. As I say, I've got an open mind on this.

Hon. Mr. McMurtry: Have you consulted your colleague the member for Wilson Heights (Mr. Singer)? He is very approving of the marriage contract.

Mr. Roy: This shows that my colleague and I discuss these with open minds. In fact the approach of this party to this legislation is to approach it with an open mind and see whether we can contribute to it. We don't want to defeat the minister on this, we want to improve it.

Hon. Mr. McMurtry: Like all other legislation it does have different approaches.

Mr. Roy: But I have a concern. I have to say I am concerned about getting involved in this marriage contract situation. I can give you arguments where it may be a good thing. I think if I was a 60-year-old millionaire who was marrying an 18-year-old chick.

Hon. Mr. McMurtry: Is that your colleague?

Hon. B. Stephenson: Mr. Speaker, that's unparliamentary language.

Mr. Roy: You chauvinist, as you might say—an 18-year-old female then.

Hon. J. R. Smith: Eighty-one-year-old.

Mr. Roy: Or I could reverse the situation for the Minister of Labour (B. Stephenson). A 70-year-old widow marrying a 15-year-old hood, or whatever—

Hon. B. Stephenson: A gigolo with acne—you mean.

Mr. Deputy Speaker: I think you better drop that one. Get back to the principle of the bill.

Interjection.

Mr. Roy: The fact is I suppose that the marriage contract might be something that one might want to get into to set out what protection there may be for the parties under this type of relationship. But having set out certain principles in the legislation I really think it is somewhat offensive to think that only the parties—and that is the interesting part—only the parties, of course, who have the money, and who have access to lawyers—and when you talk about access to lawyers it is a problem in our community. I say this very sincerely, Mr. Speaker, because those who have very limited income or are on welfare and so on, okay, they get legal aid. But your middle class who are into a situation where they have some property but just make ends meet, to go and consult a lawyer and even to get involved in drafting a contract is something that might turn out to be a relatively expensive proposition. I put this concern on the record, Mr. Speaker, because I think it is something we should be very careful about.

The other thing I want to talk about, of course, is that I certainly applaud the approach taken by the Attorney General in this project on the question of unified family courts. I think this is going to be something that is going to be extremely important.

It is unfortunate that there is not more co-operation going on between the province and the federal government on this, because I think the public by and large cannot understand the present set-up where if the husband and wife are fighting together they are in family court, and if you are fighting over the children you are in county court, and if you are on alimony or divorce or something you are in Supreme Court. It just doesn't make sense, and it is not conducive to proceeding and dealing with family problems the way we should be. It shouldn't only be an adversary process. There are things in the family relationship sometimes that the legal system is not suited to do and I think that

other people should be participating in this. I think that the project in Hamilton certainly is a good thing.

The last thing I wanted to mention on the bill is a question that many people have expressed. There is an article today in the *Globe and Mail* written by Lynn King and Charles Campbell, who apparently are both lawyers. And they say: "Marriage Bill: Too Much Power for Judges?" I don't know if the Attorney General has had the chance to read this.

I must tell you that by and large I don't see how we can have this type of legislation without leaving an awful lot of discretion with the court. I really don't. For anyone involved in this type of work—in divorce or in separations, and so on—there are situations that are so different. In every marriage, I suppose, you can find a different situation than in another, and one cannot have hard and fast rules, because in some situations there are some parties that will not receive justice if there is not a certain amount of discretion left with the judges.

The judges haven't gone on a frolic of their own, even with their having a certain amount of discretion now under the present law. There is jurisprudence still existing which will be applicable to some of the situations under the law as proposed by the Attorney General. I really think that one would run into situations where there would be inequities towards one of the parties if there was not some discretion left in every aspect. I note that they're critical in the question of support—that there's too much discretion left for the trial judge on the question of support; on the question, I suppose, of family assets, and on what criterion should be used to deny a spouse support.

Again, they seem to be critical about looking at the conduct of the parties as one of the factors that should determine support.

I say to you, Mr. Speaker, it's fair to consider conduct. I can recall a situation not too long ago where an individual was brought to court for about the 10th time by his divorced wife who said that she was not getting adequate support and was on welfare. Because he had a bank account of some \$25,000 she felt she should be entitled to some of that for support.

When it was brought up to the judge that the dissolution was caused by her actions—she took off with another guy for a period of time and caused the breakup of the marriage to start with; secondly, this man has

had custody and supported the children, and in fact was still putting the children through university; thirdly, he was sick, had to retire and that was the only income he had ahead of him; he had to live on his own pension which was not sufficient to support himself and the lady he was now living with. Once all this was brought forth to the courts the judge said no, he didn't think she was entitled to any more in spite of the fact that she was on welfare.

This was clearly a situation where the husband found himself in a predicament not of his own choosing, but resulting from the actions of the wife.

I recall the situation not too long ago where a lady in Hamilton won \$1 million and then separated a week later from her husband. Is he entitled to half of that? He may well be, under the legislation. Would the judge do that if he had a certain amount of discretion?

Mr. Foulds: They separated before.

Mr. Roy: My friend mentions that they had separated before? Okay, maybe they bought the ticket at the time they were still cohabitating. Does he get half of that? These are all matters, Mr. Speaker, in which there must be flexibility. Because for every break-up, I could show you different situations.

So I don't quite agree with the authors of this article in the *Globe and Mail*. The only way this can work is to leave discretion in the judges, at least when it's exercised under certain guidelines set out in the legislation. There is a problem with that. When the situations are not clear cut, as they are not under this, it will make a lot of work for lawyers. People will be going to see lawyers for advice because of the discretion lodged there. I can't really see any way to avoid it. If your legislation is too strict, too narrow, then it's not good legislation; if too many people suffer under the legislation, it's not good legislation.

Mr. Speaker, the other concern I failed to mention under the common law relationship, and this might be said in a humorous vein, are the types of situations which will be brought forward as evidence of common law relationships. I don't have the exact definition of spouse, but as I read it, it says: "Who not being married to each other, have lived together as husband and wife within the preceeding six months, and have so lived together continuously for a period not less than two years, or in a relationship of some permanence where there is a child born of whom they are the natural parents."

That's pretty wide; and it's going to be interesting.

Of course when parties get involved in a common law relationship and they part, going their own ways, there's no problem. The problem exists when there is some bitterness in the separation. Then there's going to be all sorts of evidence brought forward. Is this going to involve the fellow who's got a mistress every Wednesday night, or Tuesday night, or whatever? That could possibly fit into this type of situation. The Attorney General shakes his head. You figure you're safe because you're on Thursdays, without being offensive.

[4:15]

Mr. Foulds: That is offensive.

Mr. Roy: There'll be situations like that brought forward. Is she just a housekeeper? Is she living in this particular situation?

Mr. Nixon: A companion.

Mr. Roy: Yes, a companion or something. I say we're going to have to look at this closely as well because the element of proof may well be a problem under this.

Having expressed these concerns, I look forward to participating in the formulation of this legislation and hearing comments not only from the Attorney General about some of the views which have been expressed prior to my speaking on this but from people right across the community. As some of my colleagues have mentioned here, undoubtedly this could be a piece of legislation which affects more people personally across this province than any other we've passed for a very long time. Certainly, it's the most important, I suppose, since the last time the Treasurer (Mr. McKeough) raised the taxes.

Having said this, I thank you, Mr. Speaker.

Mr. Deputy Speaker: Does any other member wish to speak? The hon. member for Brant-Oxford-Norfolk.

Mr. Nixon: Thank you, Mr. Speaker. I hope I'm not the last member to speak before the Attorney General comments on this important piece of legislation because, frankly, I am not in a position, in any professional way, to offer criticism or commendation which is significant. I just feel that on a bill of this importance, I want to express a few very personal views which I don't believe will have any impact on the legislation at all.

I come from a Methodist-Baptist rural background so the whole concept of common law living is about as foreign as one could

imagine, believe it or not. You realize that that sort of thing doesn't happen in the rural areas of the province, Mr. Speaker, so it's quite academic.

Hon. Mr. Timbrell: They come here to do it.

Mr. Nixon: I did have a chance to discuss the ramifications and import of the proposals in this bill with some of the boys around the Shell station and in the barber shop and in the feed mill. They were much more interested in certain other aspects of political affairs but I insisted that their views be expressed and they ran through quite a gamut, interestingly enough.

Also, interestingly enough, I felt a certain sympathy with almost every one of the views expressed because they went from one extreme to the other. One extreme was that this sort of legislation gives credibility to common law arrangements which is a bad thing. The fact that the Legislature, with the leadership of the Attorney General (Mr. McMurtry), and much research by law officers of the Crown and many very worthwhile disinterested groups, the fact that this is before the House and is supported on all sides is a strong indication that common law arrangements are prevalent and, by our legislation, becoming acceptable with the legal terms of reference which would be applied by the legislation.

There are those, and I felt some sympathy with their view, who were very much against the legislation since it more or less gave the very highest kind of recognition, short of recognition in the church itself, to these arrangements.

The other extreme, of course, was the one expressed by people with a different view who felt that common law arrangements should very well be beyond the pale of legal entanglement and that that's why they were so valuable and, I suppose, under certain circumstances, attractive. Perhaps I shouldn't have said that I had a certain sympathy with both extremes yet I sense there is a rational response in both of the groups which commented to me to that extent.

For myself, having indicated that I can see the thought processes and, I suppose, gut reactions to those views, I have no hesitation at all in supporting the legislation and commending the Attorney General (Mr. McMurtry) and those who have spoken in its support in the past. I feel the single important step this House has taken is to recognize the valid role of women in the community, in life, in what we're doing. The Legislature and most of the law-giving chambers have been under

the influence of men, with all the chauvinism that has been taken so naturally over these many years—I mean all of the years until recently I don't think there has ever been a time, except in rare individual instances, when the role of woman has been at least approaching the kind of equality and recognition which of course it must have.

Mr. Cassidy: Under Boadicea.

Mr. Nixon: Well I suppose even Queen Victoria had a role to play. There have been statements made by governments at all levels and so on, there have been token appointments. I can remember the present Premier (Mr. Davis) saying yes, he was prepared to appoint a woman to the cabinet; and it was obvious that there was no way he would appoint two, that sort of thing. Even he—

Hon. Mr. Timbrell: And now there are three.

Mr. Nixon: Well of course the appointments have been forced upon him. He even appointed the Minister for Energy (Mr. Timbrell) for reasons that are very difficult to discern; we've seen that.

Hon. Mr. Timbrell: I'm pleased to hear that.

Hon. Mr. Handleman: Upset the balance.

Mr. Nixon: This legislation gives the members of this chamber an opportunity to truly accept the equality that must be a part of our law. It wasn't long ago when the Murdoch case prompted public meetings, one of them up at OISE, about three years ago. The arguments put forward—mostly by women, but men attended as well—expressed, I thought, progressive and constructive views.

But that was a subject for front page reporting. This idea of equality in the law, which this legislation I believe puts forward and reinforces and establishes, is quite a new idea. It is amazing and a healthy thing indeed that it has been so well accepted.

[So it's with that feeling that I have no hesitation at all in supporting the concept. I have listened with a great deal of interest, to lawyers particularly, indicating some of the problems that may evolve and develop under these circumstances. But we're talking about the principle of the bill and I find it of far-reaching importance, a real milestone, and one I support without any equivocation.

Mr. Deputy Speaker: Do any other members wish to discuss this bill in second reading? If not, the hon. member for Essex North.

Mr. Ruston: I am reluctant to get up and speak. I'm sure it will be very brief, but I just want to emphasize a couple of things the member from Brant-Oxford-Norfolk (Mr. Nixon) said.

One of the things that concerns me is that I wonder if there is any way that in carrying out this bill in ensuing years, that if there isn't—I don't know the word for it; I'm looking, really, at the social worker who will be able to interpret this particular law; I'm concerned about our court structure and our court system in this regard. I know you're overhauling that so the family has one area to go into.

Hon. Mr. Handleman: Why not?

Mr. Ruston: I have seen so many cases of people coming to me about the way our court structure is now—policemen, detectives, people who deal with people, having to go to court for family problems or whatever. As a layman without very much education, I am really concerned about the availability and the ability of the average citizen to get into our court system without too much cost.

I would hope there would be some solution to this. I know that a great deal of discretion goes to the judge in many of these things where they can't be resolved. Of course we realize that you need someone to referee these things; it can't be done or resolved in any other way, we accept that; but I really am concerned that when this bill does become law there will be a real streamlining to set up some system where people can deal with this. I am concerned about the costs, too, that people will face.

I realize that we are getting into a professional world where everyone claims that they have a profession and feels that their rate of pay must be so great. For instance, the doctor says he is not going to doctor any more he is going to be a plumber, because he can get \$15 a house call whereas if he is a doctor he gets \$10 a house call under OHIP. It's a situation we are in now and I would hope that there would be some way that the Attorney General, whoever is in government at that time, will try and see that these things are available to all people without what some of us think are very high costs.

I am happy with the parts of the legislation that gives the woman an equal status. I suppose some women have equal status because they work for their husbands all the time or where each works on their own job. Sometimes the women make more than the men. I see that with some close friends; the

wife is working and she is making more than the husband. It isn't always so; I hear of a number of cases where the woman's wages are lower—they are in the world as a whole—but we can certainly find places where the wife is making more than the husband.

My wife never went out to work as such. She said she was always afraid that it would interfere with her leisure time so she never wanted to go out in the work force and she would rather that I made sure we had enough on the table. She felt if she was working it might interfere, I suppose, with a soap opera that came on at 1:30 in the afternoon or something. However, I am sure she works as hard as I do.

We feel that in many cases the wives form a basic part of the family structure, particularly I suppose in farming and so forth, where they drive the tractor and do many of the jobs that the men do. But the only reason I wanted to get up, Mr. Speaker, was because of one of the things that I had mentioned before—the concern that I have as to the availability and without the extreme costs that we seem to run into in some of our court structure. Thank you.

Hon. Mr. Handleman: Mr. Speaker, I have no intention whatsoever of delaying the conclusion of this debate but I simply wanted to say how pleased I have been in having the very, very small role in the Justice policy field working with the previous Attorney General, Mr. Clement, and the present incumbent of that office in developing this legislation. And I am also pleased to see that it does have widespread support because it is milestone legislation, there's no question about it whatsoever.

Mr. Cassidy: Are you a struggler for women's rights?

Hon. Mr. Handleman: I certainly do not subscribe to the extreme positions of many of the people in the women's liberation movement. I want to say that I have always believed in equitable positions for men and women. I don't believe there is such a thing as pure equality. Men and women are not equal but they should be treated the same in the eyes of the law. And as far as I am concerned, that's what this legislation is supposed to do.

Mr. Cassidy: Have you ever helped with the housework?

Hon. Mr. Handleman: I have helped with the housework when my wife went out to work. I owe my university education to my

wife. Many of us owe a great deal more than that to women and I am not doing this simply to try and save my marriage. I want you to know it's in absolutely no danger whatsoever. But I think we should all—

Mr. Cassidy: Why did you mention it then?

Hon. Mr. Handleman: —recognize the fact that this legislation is long overdue.

Mr. Deputy Speaker: I believe the hon. member for Ottawa Centre (Mr. Cassidy) has already spoken.

Hon. Mr. Handleman: Mr. Speaker, just as the previous speaker said, there are many occasions when this is not going to work completely in the interests of women. I told the Attorney General that shortly after he made the announcement and introduced the legislation here I was at home and the first call I received was from a woman who wanted to talk to me about the legislation. My first thought was, "Well, isn't that great. They are starting to praise us already."

I want you to know, Mr. Speaker, that this woman conveyed to me the message that that no-good that she had married was not going to get one cent of her money in the event of a marriage breakdown. So it isn't all that well received by everybody, but there is no question in my mind that it is good legislation. It deserves the kind of support that has been expressed in this Legislature and I want to commend the Attorney General for leading the debate. Thank you, Mr. Speaker.

Mr. Deputy Speaker: Does any other member wish to speak in this debate? If not, the hon. Attorney General,

[4:30]

Hon. Mr. McMurtry: I should say first of all I welcome the expressions of support, at least in principle, to the legislation. I appreciate both the approval that the legislation has generally received and at the same time I appreciate the criticisms, because there is no doubt—if I might say so with all due respect to every other member of the Legislature—this is perhaps the most important piece of legislation which has been introduced to the House in my brief time here. There can be no doubt that it is going to have an enormous impact on the lives of a great many of our fellow citizens across the province in the years to come.

There is no question that it's very important legislation and must be thought through very carefully. In that respect, obvi-

ously an enormous amount of work has gone into this legislation by my predecessors and many senior law officers of the Crown who have worked very diligently in recent years. Of course, they in turn have had the benefit of the views of many other special interest groups and Law Reform Commissions which have made a very important contribution to this legislation.

The legislation, if it passes second reading, will go to the justice committee and I look forward to the clause by clause debate or discussion and the continued public input that will occur at that time. Again, that is important and essential in order that we may produce the best possible legislation in the circumstances.

Notwithstanding this careful discussion which will take place after second reading, there still are some matters I would like to refer to in view of the many concerns which have been raised by the members. I can't hope or wish to deal with all of them at this time but there are a number I would like to refer to at least briefly.

I should say first of all that I am very appreciative of the support for the very important principle of wide judicial discretion that was referred to by the member for Ottawa East (Mr. Roy). I think he appreciates, as do most of the members, the necessity of entrusting to our courts wide discretion in relation to these matters.

Firstly, it is quite obvious that no two relationships, whether they are within or outside the formal marriage bond, are the same. Each and every one has certain peculiar special characteristics that must be regarded, must be considered and, therefore, it is important that wide discretion be given to the judiciary. I can state without equivocation that in introducing the legislation it was certainly my intention that the judiciary be given the widest possible discretion, within certain broad guidelines, because it is important for people to have a general understanding of what their rights are.

I think there are some of us here who are very familiar with the courts of the province. I think I can state quite clearly and, again, unequivocally that each individual judge having to decide or make a decision in a case where there has been marriage breakdown is totally and absolutely aware of the importance, the vital importance, of his role in any such unhappy dispute. Certainly, in almost 20 years in the courts, I can't recall any case in which the individual judge hasn't done the very best he or she could in the circumstances to arrive at a just result.

I think we must demonstrate and reflect the confidence which I think all the members of this Legislature do have in the judiciary. This legislation is intended to give them, if I might put it in a very fundamental way, the tools with which to work in order to arrive at a just result or the most just result in any individual case.

There are some certain specific aspects of the legislation I would like to refer to firstly, dealing with marriage contracts. I was interested again in the observations of my friend and colleague, the member for Ottawa East (Mr. Roy), because he is also, of course, the justice critic for the Liberal Party. His concerns in relation to marriage contracts I know reflect the concerns of many people in the community. I think it's important that we recognize that the Ontario community is made up of a very cosmopolitan community and each individual has his or her different aspirations in life. I think it's incumbent upon us as legislators to provide an umbrella under which each individual, or any group of individuals, can regularize their activities and their relationships to the greatest extent that is reasonably possible. As you know, marriage contracts are very much a part of other cultures and many people come to this country fully expecting that they'll be able to enter into some form of marriage contract.

Another very positive aspect of the marriage contract is that when people, although those of us who are perhaps traditionalists and I think, the member for Ottawa East (Mr. Roy) and myself probably fall generally in the category of traditionalists with respect to the institution of marriage, and marriage contracts, when we made that very important decision, might somehow have felt it not to be consistent with the romance of the occasion. The fact of the matter is that it's important that people realize that there are certain legal rights and obligations related to marriage. Perhaps when couples choose to enter into a contract, the fact that they are entering into a contract will make them aware to a greater extent of the legal rights and obligations which I think they should be made aware of, again, without unduly distracting from the romance of the occasion.

There are others, more advanced in life, who are entering second marriages as a result of divorce or being widows or widowers. They have other close members of the family to protect, possibly their own children by a previous marriage; and obviously it's important that these people be given this framework within which to regulate their activities

in order to protect their property and the rights of others to whom they have similar, or very important, obligations.

What we are really trying to provide here is a considerable degree of flexibility. Obviously, we're not imposing the necessity of entering into a marriage contract, but to give individuals that right, it seems to me at this particular point in time, is a very important step forward.

The member for Ottawa East reflected for a moment also on statements that I've made indicating that those who have a common law relationship, or spouses within the meaning of the legislation, my indication that I intended to propose an amendment allowing such spouses, such persons or parties to enter into such a contract. In my view, that is probably a useful amendment but there again I'd be very interested to hear the views of all members of the Legislature.

Certainly many people who choose a common law relationship have made the allegation that they were being treated as somehow second class citizens in not being allowed to enter into a contract which of course would only have effect with relation to support obligations as opposed to property. I think there are different considerations with respect to property. But there is no intention on anybody's part to treat anyone as second class citizens, nor was there an intention on anybody's part to undermine the institution of marriage which I agree is of fundamental importance to the community.

Quite apart from many other considerations, I think a benefit of allowing common law spouses to enter into contracts respecting support obligations is that it does draw their attention to the fact that there are or may be legal obligations and responsibilities that could—not will but could—arise as a result of the relationship. If entering into some form of contract is of assistance in drawing their attention to that fact, then I think the public interest, as well as their individual interests, are well served. At the same time there seems to be general approval of the principle—I think I detect it—in relation to legislation permitting marriage contracts which the common law does not, as members know. At the same time some of the members raised questions of concern in relation to the court's ability to override a marriage contract's provisions. I would like to refer to that for a moment.

Mr. Singer: I wonder if the Attorney General would permit a question?

Mr. Foulds: It is the Speaker who has to permit a question.

Mr. Roy: Would the Attorney General permit a point of clarification?

Hon. Mr. McMurtry: I have no objection.

Mr. Deputy Speaker: I have no objection as long as it is brief.

Mr. Singer: Thank you. The Attorney General just commented that the common law doesn't permit a marriage contract between common law spouses. I don't know how one can have a marriage contract between common law spouses.

Hon. Mr. McMurtry: I didn't say between common law spouses. I said it doesn't permit a marriage contract.

Mr. Singer: But two people living common law surely could enter into a contract, couldn't they?

Mr. Deputy Speaker: I didn't anticipate a debate or two people on their feet at once.

Hon. Mr. McMurtry: If the member wishes some further clarification I'll go on to say the common law does not recognize a marriage based on cohabitation. That is, if contracts, whether between married couples or people who are living together, are based on cohabitation as a consideration for entering into the contract, they are not enforceable in this province.

Mr. Singer: There could still be a contract.

Hon. Mr. McMurtry: The general principle of freedom to contract is affirmed in section 2, subsection 5 of the bill which provides that the Act does not apply where a marriage contract contains a stipulation contrary to the terms of the Act.

This general statement, however, is limited only by the terms of section 46 which invalidates a marriage contract only insofar as it limits the rights of the spouse to possession or control over dealings with the matrimonial home as provided for in part 3 of the legislation; or where it results in one of the spouses going on welfare; or if it contains provisions contrary to the best interests of the children of the marriage. Aside from that there is absolutely no limitation on the ability of the spouses to opt out of their property rights under part 1 of the bill.

In the same area it has been suggested that a court should have power to vary the support provisions of a marriage contract in some situations, short of one of the spouses becom-

ing dependent on welfare as a result. I think we must be very careful indeed about interfering with the right of spouses to enter into a contract. When it comes to court discretion I would be very reluctant to support the broadening of that section which would give courts the right to interfere with a marriage contract whenever the court felt it was justified in the circumstances; or certainly any greater power than the court has to override a contract for other considerations such as duress or fraud, for example.

Otherwise, it would lead to a situation in which the court, in effect, would be writing the contract and not the parties. If we are going to protect the fundamental importance of parties entering into marriage contracts, we should be very cautious about giving the courts rights to vary.

It is well recognized now that a separation agreement is not subject to variation unless it contains a provision for variation by a court or a private arbitrator. I would expect that this kind of term would be commonly included in a marriage contract. Alternatively, it is open to spouses to make an agreement which would expire after a term of years.

[4:45]

I would, however, be prepared to consider a modification of section 46 to permit a court to alter a contract with respect to support which it finds unconscionable in view of the circumstances of the parties at the time the application is made. I would be very interested in hearing further from the members of the Legislature with respect to this, certainly on third reading, that is the modification of section 46 to permit a court to alter a contract with respect to support which it finds unconscionable in view of the circumstances of the parties. I'd be very interested to have their views at the appropriate time, for I believe that such a modification to the bill could go a long way toward meeting the concerns that have been expressed in this area.

Mr. Singer: Is the Attorney General going to have an amendment on that?

Hon. Mr. McMurtry: I'd be quite prepared to consider an amendment. At the same time, I have to state that I think we should be very careful on the extent to which we give courts the right to vary a contract. All I'm suggesting, Mr. Speaker, is I think such a proposal has considerable merit and should be considered again at the appropriate time.

Mr. Speaker, the suggestion has also been made of ensuring that each spouse

obtain independent legal advice before entering into a marriage contract. This principle was considered very carefully by myself and my staff in preparing this legislation. Certainly the suggestion has a bearing on the ability of the court to vary a marriage contract, but notwithstanding the wisdom of such a suggestion, we made a conscious decision not to insert such a requirement.

First of all, it seemed wrong to us in principle to insist on independent legal advice as a condition of validity for a marriage contract. We've heard criticism here today about legislators, particularly lawyers who are members of the Legislature, introducing legislation that will have the effect of driving people to lawyers. We simply think this would be wrong in principle to make this a basic requirement. Certainly such a requirement could result in the voiding of many marriage contracts simply by accident because the parties were not aware of this requirement. In addition it would put people to time, trouble and expense which they might not be willing to undergo, and might in itself be a deterrent to the entering into of a marriage contract.

We are also very concerned that the provision of independent legal advice would do little to avoid situations of fraud, duress or undue influence, while making it very difficult for a spouse to prove a case of such conduct at a later date.

Mr. Singer: You lost me on that one.

Hon. Mr. McMurtry: In other words, our feeling was that a requirement of independent legal advice would not carry out its intended purposes and might act as a deterrent to the entering into of a marriage contract.

Mr. Cassidy: Mr. Speaker, would the minister permit a question in that regard?

Mr. Acting Speaker: Perhaps the hon. member would allow the minister to complete his remarks.

Hon. Mr. McMurtry: I'd prefer, Mr. Speaker, to move on because there are a number of issues but Mr. Speaker, I'm in your hands.

Mr. Cassidy: The question is renewability.

Mr. Acting Speaker: I would suggest that the hon. minister continue.

Hon. Mr. McMurtry: I have no objection, Mr. Speaker.

Mr. Acting Speaker: I think the hon. minister should continue.

Hon. Mr. McMurtry: Mr. Speaker, I've noted with some care and interest the concern that has been expressed by some of the members with respect to the inclusion of conduct as a factor for the court to consider in determining the amount of support.

I would, first, like to point out that conduct is no longer to be a condition precedent to the awarding of support, or an absolute defence to the claim of support, as it presently is. It is merely a factor that may be taken into account in determining the amount. In addition, it is not any single, isolated incident that is taken into account, but only a course of conduct—and I want to stress that—only a course of conduct tending to repudiate the relationship of the parties. In retaining conduct as a factor to consider, we are consistent with virtually every other jurisdiction and we are following the recommendation of our Law Reform Commission.

We believe, Mr. Speaker, that public reaction to removal of conduct as a factor would be extremely adverse, as in my view it would represent a significant departure from concepts of individual responsibility and accountability. Further, for a court to ignore serious misconduct—and it's only serious misconduct with which we are concerned—for a court to ignore serious misconduct where it does, in fact, amount to a repudiation of the relationship, would only serve, in my view, to create a very understandable feeling of injustice and lasting bitterness on the part of the aggrieved party.

The suggestion is made that the consideration of conduct would only hamper the potential for reconciliation. In our view, when there is always any issue that can be raised, certainly in relation to conduct, true, it can have that effect. But for a party, for example, to be ordered to pay support where it's quite clear that the conduct of the other party has been tantamount to repudiating the marriage relationship would, in my view, create a feeling of injustice and bitterness. It would only lead to many, many appearances in court, because obviously a person in those circumstances would feel a moral right not to pay the support. There are many other cases that I could think of where it would be simply wrong to eliminate all considerations of conduct.

I want to stress, Mr. Speaker, that conduct is only one of many considerations that a court may take into consideration in arriving

at a just result. In the great majority of cases it probably will not be a factor, but there are obviously some cases again where it does amount to a repudiation of the relationship and a just result, in our view, might not be reached if that consideration were to be eliminated.

Another issue that was raised was the suggestion that we expand the category of family assets. For example, we've been criticized by some members of the official opposition, I think, for not providing that all assets owned by the spouses be subject to equal division. What this really amounts to is a rejection of the family assets concept in favour of the principle of deferred community of property.

We recognize, of course, that a matrimonial property system can be, in theory, close to perfect, but it will be absolutely useless in practice unless it has widespread public acceptance. We have learned from the experience of Quebec where the old full community regime was recently replaced by deferred community of property. One of the major factors leading to the replacement of the property system was the fact that substantial numbers of couples were opting out of it. Even under the new deferred community system, the Quebec experience to date has been that a large number of couples also opt out.

In the contact of the ministry with the public during the period immediately following the publication of the Ontario Law Reform Commission's report on matrimonial property, the ministry found there was substantial public opposition to the concept of sharing business assets automatically on marriage breakdown. At the same time, the idea of sharing family assets such as the home, furniture, family car and vacation property, received a high degree of acceptance. We therefore had designed this bill to appeal to as wide a segment of the Ontario community as possible, and we simply do not believe that automatic sharing of all property is regarded as the right approach by the people of this province.

I've already inferred during the debate, by interjections which may or may not have been appropriate, that section 4(2)(e) and (g) of the legislation gives the court wide discretion to making orders with respect to other property that does not fall within the definition of family property. So the court does have the power and the discretion to relieve against hardship, unfairness, injustice where the presumption of equal division of the family assets is not sufficient.

Mr. Cassidy: Was that men or women who disagreed on sharing of business assets?

Hon. Mr. McMurtry: I've heard from a lot of women who disagree with that. This was touched on by my colleague a few moments ago. Interestingly enough, I think it's well known to all the members of the Legislature that women in society today, during the last 10 years, have made considerable progress economically. Many women are simply more successful than their husbands. And I have heard from a number of these women who would be opposed to any automatic sharing. You can shake your head all you want—

Mr. Cassidy: You are hiding discrimination behind a very few cases.

Mr. Speaker: Order please.

Mr. Cassidy: You are protecting discrimination.

Hon. Mr. McMurtry: Take your head out of the sand one day, please, and you might really find out what's going on in the world around you. I really make that recommendation in all seriousness.

There was some concern expressed with respect to the so-called Murdoch clause.

Mr. Cassidy: You are legislating inequality.

Hon. Mr. McMurtry: In view of the remarks that were made by some of the members opposite, I have reviewed the wording of the Murdoch clause in this bill and have compared it with its predecessor in The Family Law Reform Act of 1975. It was certainly not our intention to cut down on the protection provided by that predecessor provision and the deletion of some of the wording found there was done under the assumption, and I think under the reasonable assumption, that the new section provided equivalent protection. Nevertheless, I am quite prepared to reinsert the statement that a spouse is entitled to share in the business property notwithstanding that the acts were those of a reasonable spouse of that sex in the circumstances and we'll be introducing "of that sex in the circumstances" and will be introducing an amendment.

Mr. Cassidy: That's welcomed.

Mr. Roy: You are okay now; but Cassidy agrees with you so you may be in trouble.

Hon. Mr. McMurtry: For the moment, for the moment.

Mr. Grossman: Let's think it over.

Hon. Mr. McMurtry: There were a number of expressions of concern related to public agencies claiming support. It has been said, and very vigorously, that it is inappropriate for this bill to provide for public agencies making a claim for support on behalf of a person receiving welfare or family benefits.

We are, however, of the view that it is absolutely essential that these agencies be given an independent right to claim support in their own name. The existing practice of taking assignments of the right to support from needy persons so as to enable the ministry to enforce a support obligation has been severely criticized. The validity of the assignment to the Ministry of Community and Social Services has been attacked in family court proceedings and it is generally regarded as undesirable to have the person receiving benefits named as a nominal applicant in a support proceeding, whereas the ministry is conducting the case and the ministry is the only one to benefit from the support order.

[5:00]

The Ontario Law Reform Commission has said that the objective of recovering public support moneys from individuals who are responsible for supporting their dependants is worthy of support not only because of the resultant saving of public money but also because the legal obligations to support one's dependants ought not to be flouted with impunity. We agree with that view and that is why we have included in this bill a provision enabling public agencies to claim support in their own name on behalf of the person receiving public funds.

Concern has been expressed, and rightly so, over the enforcement of support orders made under this bill. It is obviously extremely important that the enforcement mechanisms be as effective as possible. For this reason, we have incorporated a number of existing procedures which have proved to be effective and have, in addition, created some new ones which should be of great assistance in ensuring that a person ordered to pay support lives up to his or her obligations.

Section 21 of the bill continues the existing practice whereby support orders may be filed in the office of the family court. I might point out at the same time that this provision is only one option available to enforce a support order. It does not preclude the enforcement of a county or Supreme Court order by the usual processes for enforcing county and Supreme Court judgements. If the order is filed in the provincial court, that court will now have the power to issue

execution and garnishment in addition to resorting to the existing show-cause hearing procedure under which the person in default is summoned to explain the default to the court.

Provision is made for court officers to take enforcement steps on behalf of the person in whose favour the order is made so as to prevent support orders from going too far in arrears.

We have retained the power to order a defaulter to jail where the fault was due to wilful refusal to pay. We have done so with some degree of reluctance, but the experience of the provincial court judges has shown that the power to imprison is one of the most effective means available of pressuring a defaulting spouse to meet the obligations of a support order.

Where a defaulting spouse has gone into hiding in an attempt to avoid payment of the support order, it will be possible to obtain an order requiring persons such as employers to disclose the whereabouts of the defaulter from business records. In addition, it will be possible to obtain an order for the attachment of the defaulter's wages so as to have a payroll deduction made for the payments under a support order.

We are resolved to make the enforcement mechanisms available under this bill as efficient as possible, and we believe that the new means of enforcement that we have proposed offer significant improvements over the existing legislation.

There was also concern expressed yesterday with respect to the enforcement against Crown employees. We have made provision in this bill for the enforcement of support orders with respect to Crown employees of the province of Ontario. We are negotiating with the federal government in relation to this very difficult problem of enforcing garnishee orders, for example, against federal Crown employees or members of the armed forces.

I would urge my friends opposite in the Liberal Party to again petition and urge their friends in Ottawa to communicate the concern of all members, I am sure, of this Legislature to the federal government in order to provide for the necessary legislation to provide again a greater degree of enforcement for employees of the federal Crown, because undoubtedly many very serious injustices that do occur as a result of the failure of dependent spouses and children to enforce such orders.

Some issues have been raised with respect to the age to which parents should be obliged to support their children. The bill provides that children must be supported to age 16 in every case and beyond the age of 16 where they are unable by reason of illness, disability or other cause to withdraw from their parents' charge or provide themselves with necessities of life.

The age of 16 was chosen as a dividing line with some care. Under the existing law, a 16-year-old is entitled to quit school, drive a car, apply for a social insurance number, get a job, apply for unemployment insurance or welfare, leave home or join the armed forces. We felt that to impose a statutory dependency on all children until age 18 would be to erode the basis for many of their own existing rights and freedoms. We also must recognize that there are many 16- and 17-year-olds who have chosen to become independent so that not all children obviously require support up until the age of 18.

The formula that we have adopted, which it should be noted is borrowed substantially from the federal Divorce Act, is flexible enough to give support to a child when he or she needs it. For example, the case law under the existing Divorce Act explicitly recognizes the fact that educational dependence is a sufficient ground for a support order in favour of a child over 16. Indeed, Mr. Speaker, many divorce cases have risen in which children as old as 21 have had support awards made in their favour in order to allow them to continue their education. By adopting the same guidelines as the federal divorce legislation, we have the benefit of the existing jurisprudence and we have a uniform standard that will not act as an inducement to parties to obtain an early divorce in order to take advantage of the more generous federal support provisions as happens at the present time.

Some concerns have also been expressed, particularly by the member for St. George (Mrs. Campbell), about the obligation of children to support their parents as provided in this bill. First of all, section 14 of the bill makes it clear that only children who are not minors have an obligation to support their parents. I believe however that the member for St. George was more concerned with the rights of parents to obtain a share of property obtained either by judgement in a personal injury case or perhaps by a lottery. This is not the case now and in any event I believe that this kind of matter could be better dealt with in a bill concerning the rights of chil-

dren and the right to the child's guardian as to control over the person or property of the child. My ministry is currently preparing legislative proposals in these areas and I hope that the members who have expressed concerns will find their concerns adequately dealt with.

I have already indicated, Mr. Speaker, my response to some of the controversy in relation to the bill which developed in the area of whether persons living together in what is generally known as a common law relationship will have the right to make contracts excluding themselves from the operation of this bill. I should point out at the same time, though, a related question which I think has been raised—whether such persons will be permitted to make a contract providing for the sharing of property that they acquire.

I have already dealt with the matter of support contracts. I would like to state, Mr. Speaker, that in my view contracts concerning property do not suffer the same fate in being considered to be against public policy as cohabitation contracts. They do not suffer the same fate under the existing common law as long as they do not provide for a property division on a future marriage breakdown. It should therefore be pointed out that common-law spouses are permitted to enter into contracts to share property so long as the consideration of the contract is not future cohabitation.

Mr. Singer: Yes, that's about what I was saying before.

Hon. Mr. McMurtry: There is, of course, nothing to prevent a gift of a property from one common-law spouse to the other as well. Contracts between unmarried parents in relation to their children are already given limited recognition in the form of affiliation agreements under The Child Welfare Act.

There's been some reference made to concerns about, and, generally, support of the unified family court. The bill does make references to the new unified family court which we propose to set up on a development basis in Hamilton. I'm very pleased to hear the expression of support and eagerness for proceeding with such a unified family court as quickly as possible.

We will be introducing legislation in relation to the unified family court so it is probably not appropriate for me to say very much about it at this point in time other than that we are moving as quickly as we can toward the establishment of this court. At the

same time I must remind the members opposite that there are substantial constitutional difficulties involved which require federal co-operation in this venture. As soon as we can resolve those constitutional difficulties with the federal government it is our intention to proceed with the unified family court across the province as quickly as possible.

Mr. Singer: Whose judges are going to sit in that court? Provincial judges?

Hon. Mr. McMurtry: Provincial judges. This came up in estimates and I feel very strongly about it and we'll discuss this again when we introduce the legislation. In view of the interest which has been expressed I feel I should state very strongly that a unified family court should be established at the provincial level because the provincial courts do have a very close working relationship with the community resources which are necessary to the successful operation of any court. There's some history there of a close working relationship.

Futhermore, the family court is more accessible to the public; it's less expensive. I don't think there could be any question that the public interest will be best served by establishing a family court at the provincial court level. The judges of the family court, furthermore, are dealing with family problems virtually every day of the week and in our view are really the best qualified to wrestle with these very difficult problems.

At the same time I recognize the concern of the member for Essex North (Mr. Ruston) about the court structures generally and their adequacy in relation to dealing with these matters. I should state that part of our concept in establishing a family court is to make these courts more readily accessible to the public.

At the same time we are proceeding with a conciliation project in Toronto which, hopefully, will succeed and will demonstrate the need to provide some form of diversion for these disputes, to resolve them by conciliation when possible, outside the court structure. I think this is a very important development and I think we're all going to watch this conciliation project with some interest.

[5:15]

The Supreme Court has recognized the need to deal with family disputes within its jurisdiction as quickly as possible and only this September opened up a special family division of the Supreme Court of Ontario, in order to give family court matters the very top priority that they deserve in order to avoid some of the delays that have occurred

in the past which obviously can have a very unhappy effect on the whole unhappy business of marriage breakdown.

The member for Scarborough-Ellesmere (Mr. Warner) made some interesting observations. For example, he referred to or questioned the meaning of "settled intention." I agree with him that it is rather a confusing term, and we want to change it. As I understand the meaning, it is a demonstrated intention, and I think it would be much easier to say demonstrated intention than settled intention. If he has any other suggestions in order to clarify that I would be happy to hear them. But we will make an amendment to that section to clarify that.

The member for Scarborough-Ellesmere also was concerned about attachment of earnings in other provinces and states. As he knows, we do have reciprocal enforcement legislation with most of the other provinces in Canada and many states of the US. It is sometimes difficult, of course, for a court to enforce these orders with the same degree of enthusiasm when the applicant is not living within the jurisdiction, but it does provide some relief.

I think I have already reflected for a moment on the concern in relation to jail for defaulters as being too severe. Certainly, it is a remedy or a sanction that is only applied in very extreme cases. But it is our considered view, and the view of the family court judges, that in certain cases it is the only way that some of these orders can be enforced. It is the only method available to the court to avoid simply flagrant flouting of the court order. It is not a sanction that is imposed except, as I say, in the appropriate case.

I think the member for Scarborough-Ellesmere also expressed some concern in relation to our tracing procedures and the use of government records. I want to assure him that the legislation provides for information only in relation to the address and no other information. We are very concerned about the individual's rights to privacy, but we do believe that where a defaulter is benefiting from some other government scheme that is paid for by all taxpayers, that the taxpayers do have an interest in enforcing the support order. If he is going to benefit from a government scheme such as OHIP, for one, surely the court should have the right at least to learn of his address in order to avoid the deliberate flouting of court orders.

The member for Scarborough-Ellesmere also was concerned about what we were doing with respect to equalizing the rights of women generally, whether it is with respect to retraining at a certain age, or just job op-

portunities generally. He pointed out, quite properly, that many of these matters were of particular interest to the Minister of Labour (B. Stephenson). I can assure him, particularly as the father of three daughters, that their concerns are well expressed and endorsed by myself. And while this legislation is certainly not intended to be by any means a total answer, or an answer at all to some of these concerns expressed, I do believe it is a major step forward in recognizing the equality of the sexes.

Mr. Warner: I asked an earlier question on section 17 also. Did the minister have any reply to that? I missed it.

Hon. Mr. McMurtry: I did respond to the age of children where support is ordered and pointed out—and the member may have been out—where the legislation is similar to that of the federal Divorce Act which does give the court jurisdiction, particularly where children are being educated even up to age 21. I think that was the example the member used. The court does have that jurisdiction and we've tried to establish a uniformity with the federal legislation.

I am pleased to see that the member for Armourdale (Mr. Givens) supports our view with respect to the family assets approach as opposed to any sort of automatic sharing of business assets. I think he also expressed some concern about common-law spouses being able to share in family property. Common-law spouses will have rights in relation to family property at common law. I can't be more specific at the moment with respect to his concern, other than to indicate that in our view there are special considerations in relation to property within a formal marriage, as opposed to a relationship which is not within a formal marriage.

The member for Armourdale also raised a very important issue, because the member for Ottawa East (Mr. Roy) and I had one of our brief, spontaneous debates that take place from time to time in relation to a creditor being able to attach half of the family home. First of all, I want to make it clear that the presumption of equal sharing of a family home does not affect the title to the property. It only occurs where a court makes an order that the husband or the wife, as the case may be, is the half-owner of the house. Up until that time, for example, if the property is in the wife's name, the title remains in the wife's name until a court makes an order to the contrary, and so no creditor can attach that interest and certainly no creditor can invoke the provisions of the legislation.

Mr. Roy: He can't? I thought he could and then get a declaration it is 50-50 and attach the house.

Hon. Mr. McMurtry: No, that is not open to a creditor under this legislation.

Mr. Roy: Is that right? Where is that? Is that in here?

Hon. Mr. McMurtry: Yes. It's the right of a spouse.

Mr. Givens: There's no expectancy of an interest?

Mr. Singer: There is an interest in possession; that's all.

Hon. Mr. McMurtry: There may be an expectancy in one sense, but not in a legal sense, no.

Mr. Givens: No pecuniary expectancy?

Hon. Mr. McMurtry: No, only where the court makes an order. As you know, one spouse can't deal with the family home, for example, without the consent of the other spouse; but the title does not change until there is an actual court order.

Mr. Roy: I will be sending a press release to all my clients.

Mr. Singer: You explained that a little earlier.

Hon. Mr. McMurtry: There was some concern expressed in relation to the adversary. It was the member for Beaches-Woodbine (Ms. Bryden) who expressed some concern about the adversary approach to marital problems which we hope will be expanded throughout the province as it proves itself in the not-too-distant future.

The member for Beaches-Woodbine also expressed some concern with respect to the right of parents to obtain support from children. Obviously, it's only going to apply in very special cases where there is a demonstrated need on the one hand and an ability to pay on the other hand. It would therefore apply to relatively few parents and children situations, but there is obviously some cases where, in our view, justice would demand such a provision.

The member for Ottawa East (Mr. Roy) expressed some concern as to whether or not, by presenting this legislation—I think this is the thrust of his remarks—I was undermining the institution of marriage by giving some official sanction to common-law relationships. It's interesting to hear this comment. Most of the criticism I have received has been from the other quarter—suggesting that this

legislation was trying to force people into marriage relationships by imposing rights and obligations. So that's the other side of the coin.

I've discussed this legislation with a number of church leaders of all the major denominations. Interestingly enough, they agree that this should serve to strengthen the institution of marriage by making people aware that there's going to be the possibility of obligations and responsibilities that exist outside of the marriage relationships. Those who might want to enter into a common-law relationship of some duration, particularly where there are children, with the initial purpose of avoiding such responsibilities, will no longer have that course available to them. So to that extent it may encourage some people to get married without unnecessarily or unfairly imposing standards of conduct on others who choose to live outside the marriage relationship.

The member for Ottawa East also expressed some concern regarding the onus of proof. How are you going to prove a common-law relationship? It might provide for some interesting evidence at trial, and like any other matrimonial issue, the onus of proof is a very relevant factor. Certainly if a person is asserting a right or an obligation as a result of a common-law relationship outside a formal marriage then it's obviously in the public interest that that right only be asserted if there is a reasonable preponderance of evidence. It's my view that if there will be a relatively heavy onus on any individual who's asserting a right as a result of this relationship, the courts should only act on a reasonably strong preponderance of evidence. The onus, of course, may be difficult to discharge. In those cases one might very well say that there should be no support order or obligation.

The question has been raised by a number of members, Mr. Speaker—I don't know whether with any great degree of seriousness—that by introducing this legislation, we are making more work for lawyers—creating clients who might not otherwise be in lawyer's offices in the normal course of events. My only response to that is that surely when this Legislature passes legislation which extends certain fundamental rights, those people must have the right to assert those new rights. If it's necessary, to engage lawyers in the assertion of those rights, all I can say is, so be it.

A number of other matters have been raised that will be dealt with in the clause by clause consideration of this legislation.

Again, Mr. Speaker, I'm gratified to hear the general expression of support for the principles of this bill—

[5:30]

Mr. Cassidy: Qualified support.

Hon. Mr. McMurtry: —from the two opposition parties. It reaffirms my conviction that we have taken the right path in providing a fair share of matrimonial property, protection of the integrity of the matrimonial home—

Mr. Cassidy: But it still enshrines inequality.

Hon. Mr. McMurtry: —and financial support where it is needed, and the means for enforcement of support obligations. This legislation, which is the culmination of years of hard work, and public consultation, is the most comprehensive family-law reform measure ever introduced anywhere in the Commonwealth. As I have already indicated, it is my intention to seek a referral of this bill to the standing committee on justice where interested members of the public will have an opportunity to comment on its provision.

I hope the committee will proceed expeditiously so that we can have these badly needed reforms come into force as planned by next July 1 at least.

Motion agreed to.

Ordered for the standing administration of justice committee.

Mr. Speaker: Before we call the next order of business I should announce to the House that pursuant to standing order 27 there are three matters to be raised at the adjournment of the House this evening.

Mr. B. Newman: The late show you mean.

Mr. Speaker: The members for Wentworth (Mr. Deans) and Ottawa Centre (Mr. Cassidy) will raise the question of rent review with the Minister of Consumer and Commercial Relations (Mr. Handleman); the member for Cornwall (Mr. Samis) wishes to debate the question of French language policy.

MARRIAGE ACT

Hon. Mr. McMurtry moved second reading of Bill 141, The Marriage Act.

Mr. Renwick: Mr. Speaker, in the absence of my colleague, the member for Lakeshore

(Mr. Lawlor) I rise to indicate that we will support bill—

Mr. Speaker: Order please. I believe the minister would like to say some things at the beginning which would be in order.

Hon. Mr. McMurtry: I am sorry, Mr. Speaker, I just have a brief—

Mr. Cassidy: You are in favour of—

Hon. Mr. McMurtry: —opening as I wish to outline the main principles of the bill as I did not discuss them in detail in introduction of the legislation.

First of all, I should remind the House that the provinces have only a limited jurisdiction under our constitution in matters related to marriage. The Parliament of Canada has jurisdiction over marriage and divorce under section 91 of The British North America Act, and this includes such matters as capacity to marry and minimum age. The province has jurisdiction only over the solemnization of marriages and this is a power relating to procedural and administrative matters such as licensing.

The procedural requirements of the bill would apply only to the first marriage ceremony a couple engage in. This would permit a couple who have had a civil marriage, for example, to have a religious marriage ceremony later on without having to obtain a licence or have bans published.

The bill also removes the requirement of 15 days residence in the province before a marriage licence could be obtained. The residence rule, which was originally to provide publicity in a community so that anyone knowing of a reason why the marriage could not take place could come forward, no longer serves its purpose.

The minimum age for solemnizing a marriage is now equalized for both males and females at the age of 14. Formerly a female could marry under that age to legitimize a child. Under federal law a male has the capacity to marry at age 14.

The bill also revises the law on consent to the marriage of minors so as to equalize the position of the parents. At present, only the father's consent is required for a minor to marry. The mother becomes involved only if the father is dead or the father is separated from the minor and not providing support. Section 5 of the bill involves both parents in the consent process, and no longer gives a pre-eminent position to either parent.

Section 32 of the bill abolishes the action for breach of promise to marry. This is in

keeping with the spirit of Bill 140, The Family Law Reform Act, which abolishes many outmoded forms of action.

We think that if a couple has made a mistake in becoming engaged to marry, it is far better that the error be rectified by breaking off the engagement, than to have the threat of a lawsuit bring about a marriage which would probably only end in divorce. In the same vein, gifts by one intended spouse to the other will not fall to be distributed according to which spouse is at fault if the wedding never takes place.

The most important feature of the bill is section 24 which authorizes justices of the peace and other designated classes of persons to perform civil marriage ceremonies. Members of the public, the bench and the clergy have told us of the difficulty in having non-religious ceremonies performed without undue delay and with a dignity that befits the occasion. This provision should meet the concerns which have been expressed to us.

The bill carries out several of the recommendations of the Ontario Law Reform Commission and is an integral part of the government's programme to bring family law into tune with the conditions of society in Ontario today.

Mr. Renwick: In the absence of my colleague the member for Lakeshore (Mr. Lawlor) I rise to make a very brief comment on the bill. We will support the bill on second reading. It is the result of an exhaustive study by the Law Reform Commission of a very limited jurisdiction of the province under the constitution to deal with the questions related to the solemnization of marriage.

A reading of the Ontario Law Reform Commission report on family law, part II, dealing with marriage, which was published as long ago as 1970, and a reading of the present Marriage Act as contained in the Revised Statutes of Ontario and comparing it with the proposed bill, would indicate that each and every one of the changes is an updating or a rectification of archaic provisions which would no longer be acceptable in the province. It's a modernization of the law relating to the solemnization of marriage and in my view, Mr. Speaker, can best be dealt with in committee when we can deal with the specific provisions of the existing law, the specific provisions of the proposed Bill 141, in the light of the recommendations made by the Ontario Law Reform Commission.

Without further ado, Mr. Speaker, we would hope that the bill would go, along

with the preceding bill, to the standing committee on justice.

Mr. Roy: Mr. Speaker, I think my colleagues and I join with the member for Riverdale (Mr. Renwick) and the Attorney General (Mr. McMurtry), of course, in supporting this legislation. As has been mentioned by the previous speaker, the legislation incorporates suggestions made by the Law Reform Commission some time ago.

Having said this, I want to point out to you, Mr. Speaker, one of the problems that is being solved by this legislation is in its allowing justices of the peace to perform marriages, because in the Ottawa area this situation of having couples run over to provincial court judges had reached the stage where it was somewhat of a charade. I suppose in Toronto it may well have been the same thing.

For one thing, the janitorial staff around the courthouse always got very excited when there was a marriage because there was confetti all over the place. That was one of the first problems. The other problem is that we were always short of judges to sit in our courts, never mind performing marriages. You had a situation where the provincial judges, in Ottawa at least, were getting extremely annoyed at a situation where they were running in and out of court performing marriages. If someone had the flu one day and felt he wasn't up to sitting in court, he would be sitting in a room there marrying people. I felt that that was not an atmosphere that was too conducive to starting a happy relationship.

I want to point out to you that I think this change was necessary. I think the judges have been complaining about this for some time and, of course, we are very much in favour of this.

The other thing that we are removing under this bill that we are in favour of is the question of the action for a breach of promise of marriage. Of course, my colleagues and I are very grateful about removing that particular legislation.

Mr. Cassidy: Get's you off the hook, eh?

Mr. Peterson: Speak for yourself.

Mr. Roy: I am sure all members of the House here will applaud this.

Mr. Peterson: On a point of personal privilege, Mr. Speaker. I don't think he is entitled to speak for the rest of us in this party on that particular matter.

Mr. Singer: Mr. Speaker, can I add just a few words on this?

Mr. Speaker: Order, please. I presume we should rotate. Was there someone else who wished to rise to speak?

Mr. Cassidy: In a philosophical bent and not having too much expertise in the subject, since I have only tried out the institution once, I want to raise a couple of questions of concern. Possibly they can be raised again during the course of the committee stage, but I suspect it's too late to have any serious reconsideration of some of the proposals that exist in the bill.

The first question is whether it is reasonable to continue the age of marriage as at the age of 14. I just have enormous reservations about that. That couples with the second reservation I have about the bill, which is that essentially Ontario has opted now for an easy marriage policy, if you will, which puts almost no obstacles in the way of a young man or young woman who desire to get wed, apart from the need to wait three days and apart from the need to negotiate a pass from the municipal clerk who will issue them their licence. In fact, if they can persuade the Minister of Consumer and Commercial Relations (Mr. Handleman), they can get married without even the delay of three days which is involved in the bill.

It has long been the practice in our society in this province to make divorce a very difficult and rather heart-breaking institution. I guess it is easier to get a divorce now than it was a few years ago, but a decree nisi takes about six months, I believe, after the initial order of divorce and the whole process of divorce can easily take a period of a year, a year and a half or even two years. A number of people have wondered out loud whether we shouldn't make it more difficult for people to get married but then make it rather more easy for people, where there is a case of marriage breakdown, to recognize that fact with divorce. But that isn't done here.

There are no requirements at all on the desire of a couple to get married and no responsibilities laid upon them, apart from the fact that they have to wait for three days. I question that, and I think that at least we should have some discussion during the committee stage on that particular point. All members of this House know that for the most part when a couple choose or decide to get married, they enter into the decision with a fairly substantial consciousness and understanding of what it is they are getting into.

I think we all know, whether from personal experience or the observation of others, that there will be a certain starry-eyed quality to the decision of getting married which is inevitable, given the status of the institution and possibly the age of the participants. However, I think we are also aware that there are a substantial and rather tragic number of cases where people do get married without really understanding the responsibilities they are getting into at all; and where the romance alone doesn't justify the difficulties into which they get through a hasty marriage—in this case, a weekend marriage which is permitted after a very short acquaintanceship—through getting into very close relationship with somebody whom they may know very poorly and in getting into an institution whose responsibilities they understand very poorly as well.

The results of those kinds of marriages are to be seen in the divorce courts. Unfortunately the results are also to be seen on the welfare rolls, in the Children's Aid Societies and in the product offspring, for example, who grow up in unhappy homes or individuals who get themselves into unhappy situations and find it extraordinarily difficult to get out of them.

I can't really suggest what the concrete solutions are, because it is difficult to legislate good judgement and wisdom on individuals who choose to get married. I know, though, that some jurisdictions have experimented with longer delayed periods, with some kind of suggestion or requirement that people intending to get married should take counselling of various kinds. I think that there are pros and cons in that particular concept. The con is that it interferes with the individual liberty to make a decision about getting married or not. The pro is simply that these days, given that marriage is no longer for most people the opening of the door in a sexual sense, it seems to me that it is possible to invest marriage with a greater sanctity in the law than we have in the past and, therefore, possibly, to insist that people do somehow try to come to grips with what it is they're getting into or have to demonstrate to the solemnizing parties, to the clergymen or to the judge, that they have taken steps to do so in order to get themselves married. If they choose to jump into bed together they can always live common law and there's no particular restraint to that. If they don't believe in living common law then the need to delay by 15 days or 30 days a relationship intended to last for a lifetime should surely not be that great an impediment.

[5:45]

I'm suggesting ideas and ways of procedure. I find it curious, I may say, that the conservative Attorney General (Mr. McMurtry), of a province which has a Progressive Conservative government, should have gone to the extremes of liberalism which are represented in this particular bill and which put absolutely no impediment beyond a 2½ day delay on a couple who wish to solemnize their marriage. I would appreciate some comments from the ministry on these particular comments.

Mr. Singer: I must admit I'm rather intrigued by the comments of the member for Ottawa South—

Mr. Cassidy: Ottawa Centre.

Mr. Roy: He sounded like Ottawa South.

Mr. Singer: I'm intrigued by this, too. The member for Ottawa Centre (Mr. Cassidy) seems to miss the fact that these bills come before us as a package. There has been great concern and his colleague spent some time talking about the rights of common-law spouses. He has missed the fact that if we have additional impediments to marriage that we're encouraging or forcing people into a common-law relationship. Which way does he really want it? Does he want to force people into a common-law relationship by making marriage more difficult now than it has ever been before in Ontario? Or is he prepared to accept a modernization—

Mr. Cassidy: I'd like people to understand what the marital issue is all about.

Mr. Singer: All right. If we're going to write in a delay, my point—and the member for Ottawa Centre should be able to understand it; it is a very simple point—is we are going to encourage people to skip the marriage ceremony and go into the common-law relationship. That's something which really doesn't seem to me at least—

Mr. Cassidy: For 15 days they live in sin.

Mr. Singer: —to be in the public interest. It doesn't seem to me to be in keeping with the spirit of the statutes which are presented to us.

I commend the minister for bringing this forward as a part of a package. I think the bill makes sense. There's nothing very radical about it. The changes in the statute are, by and large, of form; by and large, administrative.

I was interested to hear my colleague from Ottawa East (Mr. Roy) say that it would be a good thing to get marriage ceremonies out of the courtrooms of the provincial judges and send them to the JPs. I can't miss the opportunity of asking the Attorney General if the JPs are going to perform these ceremonies, where are they going to do it? They haven't any offices. They have great difficulty finding any accommodation and that was one of the things we talked about at some length during the estimates. The JPs are in a pretty bad state. If we're going to put this responsibility over on all the JPs I guess there's going to be an awful lot of outdoor marriages.

Mr. Stokes: Use the skating rink.

Mr. Singer: That would save wear and tear on the courtroom and perhaps that's a good thing.

An hon. member: The Garden of Eden.

Mr. Singer: The other thing in keeping with some of the remarks made around here and certainly of at least passing interest to a number of people—some of whom are in the Legislature—is that the action for breach of promise of marriage is now about to be done away with. It was a strange action and I don't know that it really has any appropriate place any longer in the laws of the province of Ontario. I have no hesitancy at all in joining with my colleagues in support of this bill.

Mr. Roy: Only Cassidy is in favour of sin.

Hon. Mr. McMurtry: Mr. Speaker, I think for the purpose of this legislation the remarks of the member for Ottawa Centre (Mr. Cassidy) have been adequately answered to a very large extent by the member for Wilson Heights (Mr. Singer). I am grateful for his contribution in that respect, and I don't think there is anything I can add to what he said.

The age of marriage is a very troublesome matter. Certainly the age of 16, in many respects, seems to be perhaps the minimum age or the lowest age at which anyone should contemplate such an important step. I agree with the remarks of the member for Ottawa Centre as to the obvious importance of the step. Some of us are somewhat concerned about the age in relation to certain rights and customs of native people and that had some bearing on the decision that was made. Certainly, any reasonable amendments at the committee stage would be looked at with interest as far as the government is con-

cerned. We would be quite prepared to entertain any reasonable suggestions in that regard.

Motion agreed to.

Ordered for standing administration of justice committee.

SUCCESSION LAW REFORM ACT

Hon. Mr. McMurtry moved second reading of Bill 85, An Act to reform the Law respecting Succession to the Estates of Deceased Persons.

Hon. Mr. McMurtry: When I introduced this bill for first reading last spring I made a detailed statement explaining the principles embodied in the bill. It is certainly not my intention to take the time of the House to review those principles now. However, I would like to mention that in the interval between first reading and the present time we have received a very large number of comments and suggestions from persons having an interest in the field of estates law for improvement to the bill. I would particularly like to point out the contribution made by the members of the special committee established by the wills and trust subsection, the Ontario branch of the Canadian Bar Association.

As a result of these comments and suggestions I have arranged for the bill to be reprinted incorporating many of the changes submitted. It is also my intention, as indicated, to have this bill referred to the standing committee on justice and I will be introducing, at that time, the amendments shown in the reprint of the bill which I believe has been distributed to the members.

Perhaps the most important change that I propose to make at this time is the adoption of the bar committee's recommendation concerning section 1. That section would equalize the position of children born within or outside marriage for the purposes of estates and would deem all references to a child in a will to include a child born outside the marriage.

Now, the bar committee pointed out that there may be many persons who have drawn their wills in reliance on the existing law under which a reference to a child is deemed to include only a child born within marriage. It has been stated that it would put these persons through a great deal of time, trouble and expense to rewrite their wills under the new law. And some of these persons may even, for example, have lost the mental

capacity to revise their wills. I should say that I am not convinced, but on balance it perhaps would be fair to restrict the application of section 1 to wills made after the Act comes into force. The Act will apply fully where a person dies without a will after the Act comes into force, of course.

There again, I have indicated my intention at this time. But I am very anxious to hear the views of all the members in respect to this because I must state that I still have some difficulty in my own mind as to the proper course of action in that respect. In any event, Mr. Speaker, I would like to reserve any further comments on the bill to the end of the debate.

Mr. Renwick: Again, in the absence of my colleague the member for Lakeshore (Mr. Lawlor) I rise to indicate that we will obviously support the bill. It is also the product of an intensive study by the Law Reform Commission. I for one consider that it covers what could be called an arcane obstacle course full of potholes and pitfalls for the unwary practitioner who may think he knows something about the law relating to the estates of deceased persons.

The bill in substance deals with people who die with wills, people who die without wills and the power of courts to vary for support purposes the provisions of wills where the obligation to support has been less than adequately satisfied by the will of the deceased person. It incorporates into our law for the first time the provisions relating to an international will, having to do with the convention which has been entered into by a number of countries, of which the United States of America is the depository for the instruments of ratification and adhesion.

I really think the bill doesn't lend itself to lengthy discussion on second reading. It can be appropriately dealt with in the committee. I think it's essential that it be dealt with in the committee because we will undoubtedly have formal presentations by persons who will explain some of the points which have been raised in the briefs which have been prepared and the submissions which have been made.

I do think, however, at some point in the discussion of these particular bills, all of which, as my colleague the member for Wilson Heights (Mr. Singer) says, form a package of the reform of laws relating to family relationships, both for living people and dead persons, it should be noted that the bill which received second reading a few

minutes ago, Bill 140, provides, when it comes into force for the repeal of The Dower Act, as The Dower Act relates to deceased persons. I do think I should, at least for my own edification, read into the record the provision relating to the law of dower which has been a part of the law of the United Kingdom and part of the law of Canada since the formation of the province of Upper Canada in 1791, but in England goes back, I believe, to Magna Carta.

One part of it, which is ignored, is worth commenting upon. I also think the language of it, which still has archaic overtones, should perhaps be read into the record, and I now do so.

The Dower Act provides in substance that: "A widow on the death of her husband may tarry in his chief house for 40 days after his death, within which time her dower shall be assigned her if it has not been assigned her before and, in the meantime, she shall have her reasonable maintenance and for her dower shall be assigned to her as a third

part of all the lands of her husband, whereof he was seized at any time during coverture, except such thereof as he was so seized of in trust for another."

That language is going to disappear from our law. I did think there were very few people who recognized that, coupled with the one-third interest in the lands of the husband of which he died seized at any time, the widow could tarry in the chief house—and in the original version "of her lord"—for 40 days after his death. That is a right which the widow no longer will get under the laws which we are passing today in this assembly.

Mr. Stokes: Couldn't we observe one minute's silence for its demise?

Mr. Speaker: Are there any other comments on this bill?

Mr. Singer: Yes, after 8 o'clock.

The House recessed at 6 p.m.

APPENDIX

(See page 4940)

Answers to written questions were tabled as follows:

147. Mr. Bain: Inquiry of the ministry—Would the Minister of Labour provide the House with the following information concerning claims handled by the Workmen's Compensation Board: (i) the number of cases in 1973, 1974 and 1975 wherein the spouse of a recipient of an allowance was denied a pension on the death of the recipient under s. 42(7) of The Workmen's Compensation Act; (ii) the number of cases in 1973, 1974 and 1975 wherein a recipient was receiving a 100 per cent disability allowance and on his/her death the spouse was granted a pension; (iii) the number of cases in 1973, 1974 and 1975 wherein the spouse of a recipient was granted a pension on his/her death due to the fact that the compensable injury was deemed to be the "cause" of death?

Answer by the Minister of Labour:

Segregated records are not maintained of the pensions awarded under section 36 on the basis of entitlement flowing from death following fatal injury or from other causes where the deceased worker had been in receipt of a permanent total disability pension.

The following pensions awarded to dependent spouses include both types of entitlement: 1974, 311; 1975, 312. The 1973 figure is not available.

A separate record is not maintained of those cases in which dependency is not established under either provision, but if a pension for permanent total disability had been in effect prior to the worker's death, and the dependency of a spouse was established, the provisions of section 42 (7) would apply regardless of the cause of death and pension denial is improbable.

148. Mr. Bain: Inquiry of the ministry—Would the Minister of Labour inform the House as to the definition of "cause" under s. 42 (7) of The Workmen's Compensation Act which the board uses in determining whether or not an allowance should be made into a pension?

Answer by the Minister of Labour:

The word "cause" is not contained in section 42 (7) of The Workmen's Compensation Act and no definition is required by the Act for the determination of entitlement under the section since the cause of death is not an issue.

149. Mr. Bain: Inquiry of the ministry—Would the Minister of Labour provide the House with the following information: the average percentage decrease/increase in the amount granted to the spouse of a recipient of workmen's compensation when a disability allowance is transferred to become a pension (for 1973, 1974, 1975)?

Answer by the Minister of Labour:

Section 42 (7) of The Workmen's Compensation Act was enacted effective July 1, 1974, and dependency pensions were awarded under section 36 of that Act in cases to which section 42 (7) applied as soon as possible after the effective date.

A separate record of such cases is not maintained as distinct from other dependency awards and the information requested is therefore not available.

150. Mr. Bain: Inquiry of the ministry—Would the Minister of Labour consider directing the Workmen's Compensation Board to make regulations under s. 77 (1) to allow a claimant or his/her designated agent "reasonable" access to information in his/her file for the purposes of the claim?

Answer by the Minister of Labour:

The Workmen's Compensation Board is aware of the needs of claimants and their representatives to obtain information from the board's files and has made reasonable arrangements for it to be provided. Section 77 (1) does not provide for regulations on such matters.

151. Mr. Bain: Inquiry of the ministry—Would the Minister of Labour inform the House as to the number of applications made to the Workmen's Compensation Board in 1973, 1974 and 1975 by claimants who had contracted a disease through, by or in their employment but who were disqualified because the disease was not disabling? Further, have any such claims been accepted and if so, how many?

Answer by the Minister of Labour:

Claims are not disqualified on the grounds that an industrial disease is not disabling. While the provisions of the Act prior to January 1, 1974, did not permit compensation for permanent impairment of earning capacity to be paid where there was no wage loss, such cases were adjudicated for medical aid entitlement.

Subsequent to January 1, 1974, all claims for industrial diseases have been adjudicated on the basis of the amendment of that date, and where permanent disability results, awards are made on the basis of estimated impairment of earning capacity even though no wage loss occurs. Such cases are not recorded separately and the figures requested are not available.

CONTENTS

Tuesday, November 23, 1976

Transmitting supplementary estimates, the Honourable the Lieutenant Governor.....	4917
UTDC test and development centre, statement by Mr. Irvine.....	4917
Isolated communities assistance fund, statement by Mr. Bernier.....	4918
Winter trails programme, statement by Mr. Bernier.....	4918
Economic strategy, statement by Mr. McKeough.....	4919
Sales tax exemption on production machinery, questions of Mr. McKeough: Mr. Lewis, Ms. Bryden	4928
Thunder Bay ski jumps, questions of Mr. Bennett: Mr. Lewis, Mr. Angus, Mr. S. Smith, Mr. Stokes	4931
Economic strategy, questions of Mr. McKeough: Mr. Peterson, Mr. Lewis, Mr. Deans, Ms. Bryden, Mr. Roy.....	4932
Contract employees, questions of Mr. McKeough: Mr. Peterson.....	4935
Economic strategy, question of Mr. McKeough: Mr. Peterson.....	4935
North Pickering project, questions of Mr. Rhodes: Mr. Godfrey, Mr. Nixon.....	4935
Layoff of casual and unclassified employees, questions of Mr. Auld: Mr. Wildman.....	4936
Severn Park development, questions of Mr. Bernier: Mr. Riddell.....	4937
Death of James Cullen, questions of Mr. MacBeth: Mr. S. Smith, Mr. Laughren	4938
Thunder Bay jail, questions of Mr. MacBeth: Mr. Foulds.....	4938
Stouffville dump, questions of Mr. Kerr: Mr. Gaunt.....	4939
Report, advisory council on senior citizens, Mrs. Birch.....	4939
Motion re supplementary estimates for Ministry of the Environment, Mr. Welch, agreed to	4940
Corporations Tax Amendment Act (3), Mr. Meen, first reading	4940
Income Tax Amendment Act (2), Mr. Meen, first reading.....	4940
Retail Sales Tax Amendment Act (2), Mr. McKeough, first reading	4940
Tabling answers to questions 147, 148, 149, 150, 151 on order paper, Mr. Welch.....	4940
Family Law Reform Act, Mr. McMurtry, second reading.....	4940
Marriage Act, Mr. McMurtry, second reading.....	4958
Succession Law Reform Act, Mr. McMurtry, on second reading.....	4962
Recess	4963
Appendix, answers to questions on order paper.....	4964

SPEAKERS IN THIS ISSUE

Angus, I. (Fort William NDP)
 Auld, Hon. J. A. C.; Chairman, Management Board of Cabinet (Leeds PC)
 Bain, R. (Timiskaming NDP)
 Bennett, Hon. C.; Minister of Industry and Tourism (Ottawa South PC)
 Bernier, Hon. L.; Minister of Natural Resources (Kenora PC)
 Birch, Hon. M.; Provincial Secretary for Social Development (Scarborough East PC)
 Breaugh, M. (Oshawa NDP)
 Breithaupt, J. R. (Kitchener L)
 Bryden, M. (Beaches-Woodbine NDP)
 Bullbrook, J. E. (Sarnia L)
 Cassidy, M. (Ottawa Centre NDP)
 Conway, S. (Renfrew North L)
 Cunningham, E. (Wentworth North L)
 Davis, Hon. W. G.; Premier (Brampton PC)
 Deans, I. (Wentworth NDP)
 Eakins, J. (Victoria-Haliburton L)
 Foulds, J. F. (Port Arthur NDP)
 Gaunt, M. (Huron-Bruce L)
 Givens, P. G. (Armourdale L)
 Godfrey, C. (Durham West NDP)
 Grossman, L. St. Andrew-St. Patrick PC)
 Handleman, Hon. S. B.; Minister of Consumer and Commercial Relations (Carleton PC)
 Irvine, Hon. D. R.; Provincial Secretary for Resources Development (Carleton-Grenville PC)
 Kerr, Hon. G.A.; Minister of the Environment (Burlington South PC)
 Kerrio, V. (Niagara Falls L)
 Laughren, F. (Nickel Belt NDP)
 Lewis, S.; Leader of the Opposition (Scarborough West NDP)
 MacBeth, Hon. J. P.; Provincial Secretary for Justice and Solicitor General (Humber PC)
 MacDonald, D. C. (York South NDP)
 McClellan, R. (Bellwoods NDP)
 McEwen, J. E. (Frontenac-Addington L)
 McKeough, Hon. W. D.; Treasurer, Minister of Economics and Intergovernmental Affairs
 (Chatham-Kent PC)
 McMurtry, Hon. R.; Attorney General (Eglinton PC)
 Meen, Hon. A. K.; Minister of Revenue (York East PC)
 Moffatt, D. (Durham East NDP)
 Newman, B. (Windsor-Walkerville L)
 Nixon, R. F. (Brant-Oxford-Norfolk L)
 Peterson, D. (London Centre L)
 Reid, T. P. (Rainy River L)
 Renwick, J. A. (Riverdale NDP)
 Rhodes, Hon. J. R.; Minister of Housing (Sault Ste. Marie PC)
 Riddell, J. (Huron-Middlesex L)
 Rowe, Hon. R. D.; Speaker (Northumberland PC)
 Roy, A. J. (Ottawa East L)
 Ruston, R. F. (Essex North L)
 Sargent, E. (Grey-Bruce L)
 Singer, V. M. (Wilson Heights L)
 Smith, G. E.; Acting Speaker (Simcoe East PC)
 Smith, Hon. J. R.; Minister of Correctional Services (Hamilton Mountain PC)
 Smith, R. S. (Nipissing L)
 Smith, S. (Hamilton West L)
 Stephenson, Hon. B.; Minister of Labour (York Mills PC)
 Stokes, J. E.; Deputy Speaker (Lake Nipigon NDP)
 Swart, M. (Welland-Thorold NDP)

Timbrell, Hon. D. R.; Minister of Energy (Don Mills PC)

Warner, D. (Scarborough-Ellesmere NDP)

Welch, Hon. R.; Minister of Culture and Recreation (Brock PC)

Wildman, B. (Algoma NDP)

Yakabuski, P. J. (Renfrew South PC)

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